

MINUTES

WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

November 2-3, 2007

Campbell's Resort and Conference Center
104 West Woodin Avenue
Chelan, Washington

ATTENDANCE:

Commission

Jerry Gutzwiler, Chair
Miranda Wecker, Vice Chair
Ken Chew
Gary Douvia
George Orr
Chuck Perry
Will Roehl
Shirley Solomon

Commission Staff:
Susan Yeager

Department

Phil Anderson
Joe Stohr
Bruce Bjork
Steve Pozzanghera
Dennis Beich
Jeff Tayer
Bill Frymire-AGO
Dan Budd
Anthony Novack
Don Hand
Ted Clausing
William Meyer
Pat Michael
Dave Ware

Department (continued)

Mark Teske
Donny Martorello
Morris Barker
Craig Burley
Heather Bartlett
Eric Oswald
Joe Miller
Other Department Staff

Public

Eric Johnson
James Haines
Lloyd Barber
Andrea Erickman
Richard Hunt, Wild Steelhead Coalition
Nina Grobбен
Art Grobбен
Anton Jones
Becky Gray, Inland NW Wildlife Council
Lee Miller
Bob Holtfreter, AHE Focus Group
B.J. Thorniley
Rollie Schmitten
Bill Stegeman, Wenatchee Sportsmen's Assn.
Mary Lou Peterson, Okanogan Co. Comm.
Jack Field, WA Cattlemen's Assn.
Alan Brooks, Lake Chelan Sportsmen Council

FRIDAY, NOVEMBER 2

Chair Gutzwiler called the meeting to order at 8:40 a.m.

APPROVAL OF MINUTES:

Commissioner Chew moved, seconded by Commissioner Wecker, to approve the minutes of the September 7, 2007, Commission Conference Call. The motion carried unanimously.

COMMISSIONERS' DISCUSSION:

Commissioners discussed recent activities and items of general interest and provided status reports on Commission committees.

DIRECTOR'S REPORT:

Deputy Director Anderson reviewed significant Department issues and activities.

STRATEGIC PLANNING AND BUDGET UPDATE:

Deputy Director Stohr provided an update on the Department's strategic planning and budget.

OPEN PUBLIC INPUT:

Three individuals provided oral testimony on issues of concern during this portion of the meeting.

PROPOSED LAND TRANSACTIONS – DECISION:

Dan Budd presented for approval two proposed land transactions.

No individuals provided oral testimony on the proposed land transactions during the meeting.

Commissioner Perry moved, seconded by Commissioner Solomon, to approve the following land transactions:

- **Acquisition of the 150-acre Johnson property in Okanogan County for \$1,475,000; and**
- **Acquisition of the 3.80-acre Seymour property in Yakima County for \$182,600.**

The motion carried unanimously.

MASTER HUNTER PROGRAM – COMMISSION POLICY:

Commissioners discussed the proposed Commission Policy C-6005, Master Hunter Program, which would provide guidance to the Department for developing WAC rules with stronger accountability standards and improvements to the existing Advanced Hunter Education program.

One individual provided oral testimony on the proposed policy during the meeting.

To allow more time for review and editing, the Commission deferred action to its December 7-8, 2007, meeting in Port Angeles.

HUNTER EDUCATION DEFERRAL – RULE ACTION:

Chief Bruce Bjork presented proposed permanent amendments to WAC 232-12-228, Hunter education deferral, which would enable individuals to apply for a Director-authorized, once-in-a-lifetime, one license year deferral of hunter education training. The Commission held a public hearing regarding these proposed rules at its October 12-13, 2007, meeting in Olympia.

Commissioner Douvia moved, seconded by Commissioner Orr, to adopt WAC 232-12-228, Hunter education deferral, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

PILOT COUGAR HUNTING SEASONS WITH THE AID OF DOGS – PUBLIC HEARING AND RULE ACTION:

Donny Martorello presented proposed permanent amendments to WAC 232-28-285, 2007-2008 Pilot cougar hunting seasons with the aid of dogs, which would implement ESHB 1756, passed by the 2007 Legislature. The Commission was briefed on these rule amendments at its October 19, 2007, conference call.

Two individuals provided oral testimony on the proposed amendments during the meeting.

Commissioner Wecker moved, seconded by Commissioner Perry, to adopt WAC 232-28-285, 2007-2008 Pilot cougar hunting seasons with the aid of dogs, as proposed. The motion carried unanimously.

SPRING BLACK BEAR SEASONS – RULE BRIEFING AND PUBLIC HEARING:

Donny Martorello presented proposed permanent amendments to WAC 232-28-286, 2007, 2008, and 2009 Spring black bear seasons and regulations, which would establish spring bear hunts in a portion of GMU 418 with 20 permits and a portion for GMU 448 with 25 permits, in order to reduce local bear populations and address tree damage caused by bears. The Commission will consider adoption of permanent amendments at its December 7-8, 2007, Commission meeting in Port Angeles.

No individuals provided oral testimony on the proposed amendments during the meeting.

PILOT DEER AND ELK CONFLICT RESOLUTION PROGRAM IN REGION 3 – BRIEFING:

At the request of the Commission, Anthony Novak, Don Hand, Ted Clausung, and Dave Ware briefed the Commission on the progress and status of the pilot deer and elk conflict resolution program in Region 3.

MULTIPLE SEASON BIG GAME PERMITS AND MANDATORY REPORTING – RULE

BRIEFING AND PUBLIC HEARING:

Dave Ware briefed the Commission on proposed permanent amendments to WAC 232-28-294, Multiple season big game permits, and WAC 232-28-299, Mandatory report of hunting activity. These would provide multi-season permits as incentives to recruit and retain hunter education instructors and allow 10 days to report hunting activity for hunts that extend past the January 31 reporting deadline. The Commission will consider adoption of permanent amendments at its December 7-8, 2007, Commission meeting in Port Angeles.

No individuals provided oral testimony on the proposed amendments during the meeting.

NONTOXIC SHOT REQUIREMENTS – RULE BRIEFING AND PUBLIC HEARING:

Dave Ware briefed the Commission on proposed permanent amendments to WAC 232-12-068, Nontoxic shot requirements, which would expand the requirement to hunting on the Chinook (Washington) pheasant release site. The Commission will consider adoption of permanent amendments at its December 7-8, 2007, Commission meeting in Port Angeles.

No individuals provided oral testimony on the proposed amendments during the meeting.

BIG GAME AND WILD TURKEY AUCTION, RAFFLE, AND SPECIAL INCENTIVE PERMITS – RULE BRIEFING AND PUBLIC HEARING:

Dave Ware briefed the Commission on proposed permanent amendments to WAC 232-28-282, big game and wild turkey auction, raffle, and special incentive permits, which would modify hunting opportunity to increase attractiveness and revenue for the wild turkey special raffle drawing and expand hunting opportunity to generate additional revenue for mule deer and white-tailed deer through auction and raffle starting in 2009. The Commission will consider adoption of permanent amendments at its December 7-8, 2007, Commission meeting in Port Angeles.

No individuals provided oral testimony on the proposed amendments during the meeting..

DEER AND ELK AREA DESCRIPTIONS – RULE BRIEFING AND PUBLIC HEARING:

Dave Ware briefed the Commission on proposed permanent amendments to WAC 232-28-337, Deer and elk area descriptions, which would provide increased quality hunting, clarify boundary descriptions, address elk damage/nuisance problems, and improve population management of the Mount St. Helens elk herd. The Commission will consider adoption of permanent amendments at its December 7-8, 2007, Commission meeting in Port Angeles.

One individual provided oral testimony on the proposed amendments during the meeting.

UPPER YAKIMA RIPARIAN PROTECTION PROJECT – BRIEFING:

William Meyer, Jeff Tayer, and Mark Teske briefed the Commission on the Upper Yakima Riparian Protection Project in Kittitas County.

SKOOKUMCHUCK WATERSHED HABITAT CONSERVATION PROJECT – BRIEFING:

Mark Teske briefed the Commission on the Skookumchuck Watershed Habitat Conservation Project.

PUBLIC CONDUCT ON WDFW LANDS RULES – COMMISSION DISCUSSION:

Commissioners and Steve Pozzanghera discussed the status of proposed rule amendments to Chapter 232-13 WAC, Public conduct on Department lands. The Commission held a public hearing regarding these proposed rules at its August 3-4, 2007, Commission meeting in Anacortes. At its October 12-13, 2007, meeting in Olympia, the Commission continued rule action on these proposals to the December 7-8, 2007, meeting in Port Angeles to allow more time for considering stakeholder input received.

COMMISSION COMMITTEE REPORTS:

Commissioners discussed recent activities of the Commission's various committees.

OPEN PUBLIC INPUT:

One individual provided oral testimony on issues of concern during this portion of the meeting.

Chair Gutzwiler recessed the meeting at 5:25 p.m.

After recess, the Commission hosted a reception for county commissioners, local officials, state legislators, and the public.

SATURDAY, NOVEMBER 3

Chair Gutzwiler called the meeting back to order at 8:35 a.m.

OPEN PUBLIC INPUT:

One individual provided oral testimony on issues of concerning during this portion of the meeting.

FORAGE FISH, CATCH ACCOUNTING – RULE ACTION:

Morris Barker presented proposed permanent amendments to WAC 220-69-215, When state of Washington fish receiving tickets are required, and WAC 220-69-241, Duties of commercial fishers, that would ensure more accurate accounting of forage fish harvest to meet conservation objectives. The Commission held a public hearing regarding these proposed rules at its October 12-13, 2007, Commission meeting in Olympia.

Commissioner Wecker moved, seconded by Commissioner Roehl, to adopt the permanent amendments to WAC 220-69-215, When state of Washington fish receiving tickets are required, and WAC 220-69-241, Duties of commercial fishers, as filed with the Code Reviser's Office and modified by staff. The motion carried unanimously.

QUICK REPORTING DUTIES OF COMMERCIAL PURCHASERS AND RECEIVERS – RULE ACTION:

Morris Barker presented proposed permanent amendments to WAC 220-69-240, Duties of commercial purchasers and receivers, which would address management needs in specific areas. The Commission held a public hearing regarding these proposed amendments at its October 12-13, 2007, Commission meeting in Olympia.

Commissioner Wecker moved, seconded by Commissioner Roehl, to adopt the permanent amendments to WAC 220-69-240, Duties of commercial purchasers and receivers, as proposed. The motion carried unanimously.

COMMERCIAL GROUND FISH/HIGHLY MIGRATORY SPECIES – RULE ACTION:

Morris Barker presented proposed permanent WAC rule amendments that would reorganize the regulations, bring them into compliance with federal regulations, and provide more clarity to the industry and enforcement officers on requirements for purchasers and receivers of bottomfish. The Commission held a public hearing regarding these proposed rules at its October 12-13, 2007, Commission meeting in Olympia.

Amendments:

- WAC 220-44-020, Coastal baitfish gear;
- WAC 220-44-030, Coastal bottomfish gear;
- WAC 220-44-035, Highly migratory species fisheries—Possession—Gear restriction;
- WAC 220-44-040, Coastal bottomfishing areas and seasons;
- WAC 220-44-050, Coastal bottomfish catch limits;
- WAC 220-44-080, Otter trawl logbook required;
- WAC 220-44-090, Far offshore fishery;
- WAC 220-69-230, Description of Washington state nontreaty fish receiving tickets; and
- WAC 220-69-250, Required information on nontreaty fish receiving tickets.

New Section:

- WAC 220-44-100, Bottomfish caught during research.

Commissioner Wecker moved, seconded by Commissioner Solomon, to adopt the permanent amendments and WAC rules as proposed to:

Amendments:

- **WAC 220-44-020, Coastal baitfish gear;**
- **WAC 220-44-030, Coastal bottomfish gear;**
- **WAC 220-44-035, Highly migratory species fisheries—Possession—Gear restriction;**
- **WAC 220-44-040, Coastal bottomfishing areas and seasons;**
- **WAC 220-44-050, Coastal bottomfish catch limits;**
- **WAC 220-44-080, Otter trawl logbook required;**
- **WAC 220-44-090, Far offshore fishery;**
- **WAC 220-69-230, Description of Washington state nontreaty fish receiving tickets;**
and
- **WAC 220-69-250, Required information on nontreaty fish receiving tickets.**

New Section:

- **WAC 220-44-100, Bottomfish caught during research.**

The motion carried unanimously.

REPEAL OF WEARABLE SHELLFISH/SEAWEED LICENSE RULE – RULE ACTION:

Morris Barker presented WAC 220-55-010, Recreational shellfish and seaweed license, for repeal in compliance with 2007 legislative action (SHB 1082). The Commission held a public hearing regarding the repeal of this rule at its October 12-13, 2007, Commission meeting in Olympia.

Commissioner Wecker moved, seconded by Commissioner Chew, to repeal WAC 220-55-010, Recreational shellfish and seaweed license. The motion carried unanimously.

AQUATIC LANDS ENHANCEMENT ACCOUNT GRANT PROGRAM – RULE ACTION:

Morris Barker presented proposed permanent amendments to WAC 220-130-040, Review and selection process, which would change the open application period for ALEA grant proposals to December 1 through February 28. The Commission held a public hearing regarding these proposed amendments at its October 12-13, 2007, Commission meeting in Olympia.

Commissioner Wecker moved, seconded by Commissioner Orr, to adopt the permanent amendments to WAC 220-130-040, Review and selection process, as proposed. The motion carried unanimously.

2008-2009 SPORTFISH RULE PROPOSALS – RULE BRIEFING AND PUBLIC HEARING:

Craig Burley and Heather Bartlett briefly reviewed the rule proposals for the 2008-2009 sportfish season. The Commission will consider adopting permanent rules for the 2008-2009 sportfish season at its February 1-2, 2008, Commission meeting in Olympia.

Two individuals provided oral testimony on the proposed amendments during the meeting.

COMMISSION ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – UPDATE, 2007 REPORT TO LEGISLATURE:

Commissioners reviewed a report on recent activities and progress of the Committee since its first report was submitted to the Legislature in 2004.

To allow the Commission's Wildlife Committee time to contact each of the Advisory Committee members to discuss activities of the Committee, the Commission deferred the briefing and action to its December 7-8, 2007, Commission meeting in Port Angeles.

MISCELLANEOUS AND MEETING DEBRIEF:

Commissioner Solomon moved, seconded by Commissioner Roehl, to request the Department provide a cougar/human interactions presentation (including Project CAT briefing) at the March 7-8, 2008, or April 11-12, 2008, meeting. The motion carried unanimously.

Commissioner Perry moved, seconded by Commissioner Wecker, to request the Department provide a report on the public elk hunt at Mount St. Helens at the March 7-8, 2008, or April 11-12, 2008, meeting. The report is to include participation and effectiveness of volunteers. The motion carried unanimously.

OPEN PUBLIC INPUT:

One individual provided oral testimony on issues of concern during this portion of the meeting.

Chair Gutzwiler adjourned the meeting at 12:30 p.m.

nb

These minutes, plus the audio recording, constitute the full minutes.

Nancy Burkhart

**MEMOS AND AUTHORITIES FROM THE NOVEMBER 2-3, 2007,
FISH AND WILDLIFE COMMISSION MEETING, CHELAN**

- Approval of Minutes - Motion by Chew, second by Wecker, to approve the minutes of the September 7, 2007, Commission Conference Call. **The motion carried unanimously.**
- Approval of Land Transactions - Motion by Perry, second by Solomon, to approve the following land transactions:
- Acquisition of the 150-acre Johnson property in Okanogan County for \$1,475,000; and
- Acquisition of the 3.80-acre Seymour property in Yakima County for \$182,600.
The motion carried unanimously.
- Approval of Hunter Education Deferral Rules - Motion by Douvia, second by Orr, to adopt WAC 232-12-228, Hunter education deferral, as filed with the Code Reviser's Staff and amended by staff. **The motion carried unanimously.**
- Approval of Pilot Cougar Hunting Seasons with the Aid of Dogs Rules - Motion by Wecker, second by Perry, to adopt WAC 232-28-285, 2007-2008 Pilot cougar hunting seasons with the aid of dogs, as proposed. **The motion carried unanimously.**
- Approval of Forage Fish, Catch Accounting Rules - Motion by Wecker, second by Roehl, to adopt the permanent amendments to WAC 220-69-215, When state of Washington fish receiving tickets are required, and WAC 220-69-241, Duties of commercial fishers, as filed with the Code Reviser's Office and modified by staff. **The motion carried unanimously.**
- Approval of Quick Reporting Duties of Commercial Purchasers and Receivers Rules - Motion by Wecker, second by Roehl, , to adopt the permanent amendments to WAC 220-69-240, Duties of commercial purchasers and receivers, as proposed. **The motion carried unanimously.**
- Approval of Commercial Groundfish/Highly Migratory Species Rules - Motion by Wecker, second by Solomon, to adopt the permanent amendments and WAC rules as proposed to:
Amendments:
- WAC 220-44-020, Coastal baitfish gear;
- WAC 220-44-030, Coastal bottomfish gear;
- WAC 220-44-035, Highly migratory species fisheries— Possession—Gear restriction;
- WAC 220-44-040, Coastal bottomfishing areas and seasons;
- WAC 220-44-050, Coastal bottomfish catch limits;

Approval of
Commercial
Groundfish/Highly
Migratory Species
Rules (continued)

- WAC 220-44-080, Otter trawl logbook required;
- WAC 220-44-090, Far offshore fishery;
- WAC 220-69-230, Description of Washington state nontreaty fish receiving tickets; and
- WAC 220-69-250, Required information on nontreaty fish receiving tickets.

New Section:

- WAC 220-44-100, Bottomfish caught during research.

The motion carried unanimously.

Repeal of Wearable
Shellfish/Seaweed
License Rules

- Motion by Wecker, second by Chew, to repeal WAC 220-55-010, Recreational shellfish and seaweed license. **The motion carried unanimously.**

Approval of Aquatic
Lands Enhancement
Account Grant
Program Rules

- Motion by Wecker, second by Orr, to adopt the permanent amendments to WAC 220-130-040, Review and selection process, as proposed. **The motion carried unanimously.**

Commission
Requests to the
Department

- Motion by Solomon, second by Roehl, to request the Department provide a cougar/human interactions presentation (including Project CAT briefing) at the March 7-8, 2008, or April 11-12, 2008, meeting. **The motion carried unanimously.**

- Motion by Perry, second by Wecker, to request the Department provide a report on the public elk hunt at Mount St. Helens at the March 7-8, 2008, or April 11-12, 2008, meeting. The report is to include participation and effectiveness of volunteers. **The motion carried unanimously.**

Commission in Attendance:

Jerry Gutzwiler, Chair
Miranda Wecker, Vice Chair
Ken Chew
Gary Douvia
George Orr
Chuck Perry
Will Roehl
Shirley Solomon