

MINUTES

WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

December 7-8, 2007

Red Lion Hotel
221 North Lincoln
Port Angeles, Washington

ATTENDANCE:

Commission

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

Commission Staff:

Susan Yeager
Nancy Burkhart

Department

Jeff Koenings, Director
Phil Anderson, Deputy Director – Resource Policy
Joe Stohr, Deputy Director – Operations
Bruce Bjork
Dave Brittell
Lew Atkins
Jo Wadsworth
Heather Bartlett
Dan Budd
Dave Ware
Steve Pozzanghera
Paul Dahmer
Cindy LeFleur
Jim Buck
Pat Pattillo
John Long
Harriet Allen
Pat Michael
Jim Scott
Margen Carlson
Sarah LaBorde
Dora Austin
Margaret Ainscough
Kirt Hughes
Amilee Wilson
Derek Stinson
Other Department staff

Public

Bruce Beatty, Resources Coalition
Harley Edwards, Resources Coalition
Becky Gray, Inland NW Wildlife Council
Roland West
Brian “Sean” Weston
Daniel Tucker, WA State Big Game Council
Claudia Eklund
Hal Boynton, SOF Chapter of Puget Sound Anglers
Don Walker
Walt Blendermann, NOP Chapter of P. Sd. Anglers
Richard King
Brian Judy, NRA
Martha Jordan
Chuck Priddle, Master Hunter
Jeff Chapman
Larry Doyle
Darlene Doyle
Jim Richard
Coleman Byrnes
Dick Goin
Bob Holtfreter, AHE Focus Group
Dave Croonquist, PSA/PSRFEAC/EAC
Gary Terrell, Puget Sound Anglers/EAC
Eldon Bussell
Dan LaLusha
Chuck Shank
Paul Mackrow, North Olympia Salmon Coalition
Gary Halsey, Puget Sound Anglers
Jim McRoberts, FFF Steelhead Committee
Bob Franks, Salmon Commission
Bob Kehoe, Purse Seine Vessel Owners Assn.
Richard Burge, Wild Steelhead Coalition
Kevin P. Marilley, Puget Sound Harvesters
Harry Bell
Bob Franks, Salmon Commission
Frank J. Fletcher, Puget Sound Harvesters
William Ritchie

On December 6, 2007, the Fish and Wildlife Commission's two fish committees met with Department staff for a work session to discuss the status of the Department's 21st Century Salmon and Steelhead Project. No public input was accepted and no decisions were made.

FRIDAY, DECEMBER 7

Chair Gutzwiler called the meeting to order at 8:05 a.m.

APPROVAL OF MINUTES:

Commissioner Orr moved, seconded by Commissioner Roehl, to approve the minutes of the:

- **October 12-13, 2007, Commission Meeting; and**
- **October 19, 2007, Commission Conference Call.**

The motion carried unanimously. (Commissioner Solomon was absent during discussion and vote on the motion.)

COMMISSIONERS' DISCUSSION:

Commissioners discussed recent activities and items of general interest.

DIRECTOR'S REPORT:

Director Koenings reviewed significant Department issues and activities.

STRATEGIC PLANNING / BUDGET – UPDATE:

Deputy Director Joe Stohr updated the Commission on the Department's budget and strategic planning.

OPEN PUBLIC INPUT:

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

PROPOSED LAND TRANSACTIONS -- ACTION:

Dan Budd presented for approval two proposed land transactions.

No oral testimony on the proposed land transactions was received during this portion of the meeting.

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

- **Acquisition of the 516-acre Crocker property in Klickitat County for \$507,000; and**

- **Approval of two ground leases for \$17,000 to U.S. Cellular: (1) 0.13-acre on Quincy Wildlife Area in Grant County, and (2) 0.13-acre on Oak Creek Wildlife Area in Yakima County.**

The motion carried unanimously.

SPRING BLACK BEAR SEASONS – RULE ACTION:

Dave Ware presented proposed permanent amendments to WAC 232-28-286, 2007, 2008, and 2009 Spring black bear seasons and regulations, that 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 held a public hearing regarding these proposed rules at its November 2-3, 2007, Commission meeting in Chelan.

Commissioner Wecker moved, seconded by Commissioner Douvia, to adopt the permanent amendments to WAC 232-28-286, 2007, 2008, and 2009 Spring black bear seasons and regulations, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously. (Commissioner Chew was absent during discussion and vote on the motion.)

NONTOXIC SHOT REQUIREMENTS – RULE ACTION:

Dave Ware presented proposed permanent amendments to WAC 232-12-068, Nontoxic shot requirements, that would expand the requirement to hunting on the Chinook pheasant release site. The Commission held a public hearing regarding these proposed rules at its November 2-3, 2007, Commission meeting in Chelan.

Commissioner Solomon moved, seconded by Commissioner Mahnken, to adopt the permanent amendments to WAC 232-12-068, Nontoxic shot requirements, as proposed. The motion carried unanimously.

MULTIPLE SEASON BIG GAME PERMITS AND MANDATORY REPORTING – RULE ACTION:

Dave Ware presented proposed permanent amendments to WAC 232-28-294, Multiple season big game permits; and WAC 232-28-299, Mandatory report of hunting activity, that 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 held a public hearing regarding these proposed rules at its November 2-3, 2007, Commission meeting in Chelan.

Commissioner Orr moved, seconded by Commissioner Roehl, to adopt the permanent amendments to WAC 232-28-294, Multiple season big game permits; and WAC 232-28-299, Mandatory report of hunting activity, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

BIG GAME AND WILD TURKEY AUCTION, RAFFLE, AND SPECIAL INCENTIVE PERMITS – RULE ACTION:

Dave Ware presented proposed permanent amendments to WAC 232-28-282, Big game and wild turkey auction, raffle, and special incentive permits, that 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 held a public hearing regarding these proposed rules at its November 2-3, 2007, Commission meeting in Chelan.

Commissioner Orr moved, seconded by Commission Wecker, to adopt the permanent amendments to WAC 232-28-282, Big game and wild turkey auction, raffle, and special incentive permits, as proposed. The motion carried unanimously.

DEER AND ELK AREA DESCRIPTIONS – RULE ACTION:

Dave Ware presented proposed permanent amendments to WAC 232-28-337, Deer and elk area descriptions, that 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 held a public hearing regarding these proposed rules at its November 2-3, 2007, Commission meeting in Chelan.

Commissioner Orr moved, seconded by Commissioner Perry, to adopt the permanent amendments to WAC 232-28-337, Deer and elk area descriptions, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

PUBLIC CONDUCT ON DEPARTMENT LANDS – RULE ACTION:

Steve Pozzanghera and Paul Dahmer presented proposed permanent amendments to Chapter 232-13 WAC, Public conduct in wildlife areas and access sites owned or controlled by the Department of Fish and Wildlife, and repeal of:

- WAC 232-13-174, Domestic animals on department lands;
- WAC 232-12-177, Vehicles using department lands;
- WAC 232-12-184, Aircraft—Authorized use on department lands;
- WAC 232-12-187, Access areas—Other department land—Wildlife agent to control traffic thereon; and
- WAC 232-12-251, Removal of minerals, wood and artifacts from department lands.

The Commission held a public hearing regarding these proposed rule 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 this meeting in order to allow more time for considering received stakeholder input.

Commissioner Perry moved, seconded by Commissioner Orr, to adopt the permanent amendments to Chapter 232-13 WAC, Public conduct in wildlife areas and access sites owned or controlled by the Department of Fish and Wildlife, and repeal of:

- WAC 232-13-174, Domestic animals on department lands;
- WAC 232-12-177, Vehicles using department lands;
- WAC 232-12-184, Aircraft—Authorized use on department lands;
- WAC 232-12-187, Access areas—Other department land—Wildlife agent to control traffic thereon; and
- WAC 232-12-251, Removal of minerals, wood and artifacts from department lands.

Commissioner Wecker moved, seconded by Commissioner Solomon, to amend the motion by amending WAC 232-13-080, Commercial use or activity, by striking in (3) “, including but not limited to the placement of bee hives, collecting mushrooms or plants or plant parts; guiding or outfitting hunters, anglers, or whitewater rafters; or sales or services;” The motion to amend the motion carried unanimously.

Commissioner Wecker moved, seconded by Commissioner Solomon, to amend the motion by amending WAC 232-13-100, Dumping and sanitation by striking in (3) “department-owned vehicles or vehicles used by the department for department administration” and replacing with “administrative purposes”. Add “with any substances other than water or biodegradable soaps” after “...or other vehicle on department lands.” The motion to amend the motion carried unanimously.

Commissioner Wecker moved, seconded by Commissioner Solomon, to amend the motion by amending WAC 232-13-130, Firearms and target practicing, by striking in (c) “any” before “debris”. In (2), add “consistent with resource management or public safety concerns” after “...target practicing.” The motion to amend the motion carried unanimously.

To allow Department staff more time to work with stakeholders, Commissioner Roehl moved, seconded by Commissioner Orr, to amend the motion by not adopting:

- WAC 232-13-160, Livestock;
- WAC 232-13-190, Resource removal; and
- WAC 232-13-200, Vehicle use;

and not repealing:

- WAC 232-12-174, Domestic animals on department lands;
- WAC 232-12-177, Vehicles using department lands; and
- WAC 232-12-251, Removal of minerals, wood and artifacts from department lands.

The motion to amend the motion carried.

The motion, as amended, carried unanimously.

The Commission included additional direction to the Department:

- WAC 232-13-190, Resource removal: Discussion on development of a pilot project for mineral prospecting; expedite cooperation with stakeholders.
- WAC 232-13-160, Livestock: Discussion on fencing.
- WAC 232-13-200, Vehicle use: Discussion on development of a pilot project for snowmobiles in areas of traditional high use. Report back to the Commission after one year on progress, i.e., how it’s working with signage, education, etc.
- WAC 232-13-070, Fires and campfires: Enforcement officers are to use reasonable enforcement standards.
- WAC 232-13-130, Firearms and target practicing: Safety concerns re campgrounds; should be posted and treated like school grounds; make very clear where locations of closed areas.

Commissioners Roehl and Douvia will work with Department staff on re-filing WACs and repealers that did not get acted on.

Commissioner Perry requested a progress report after one year to see how the new rules are working.

MASTER HUNTER PROGRAM – COMMISSION POLICY DECISION:

Commissioners discussed Commission Policy C-6005, Master Hunter Program, that would provide guidance to the Department for developing WAC rules with stronger accountability standards and improvements to the existing Advanced Hunter Education program. The commission held a public hearing on the proposed policy at its November 2-3, 2007, Commission meeting in Chelan.

Commissioner Orr moved, seconded by Commissioner Perry, to approve Commission Policy C-6005, Master Hunter Program, as amended. The motion carried unanimously.

MASTER HUNTER PROGRAM – RULE BRIEFING AND PUBLIC HEARING:

Chief Bruce Bjork, briefed the Commission on proposed permanent amendments to WC 232-12-073, Master hunter program, that would address deficiencies in the requirements for certification and penalties for unethical or unlawful behavior by Master Hunters. The Commission will consider final adoption of the rule proposals at its January 10-12, 2008, Commission meeting in Vancouver.

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

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

Bill Vincent (Chair, Commission Advisory Committee for Persons with Disabilities) briefed the Commission on activities and progress of the Committee since its first report was submitted to the Legislature in 2004. The Commission considered approval of the 2007 report, which is to be submitted to the Legislature by December 14, 2007.

Commissioner Orr moved, seconded by Commissioner Mahnken, to approve the 2007 Report of the Commission Advisory Committee for Persons with Disabilities for submittal to the Legislature as proposed including the Commission's recommendation that the Legislature extend the committee through July 2011. The motion carried unanimously.

COLUMBIA RIVER SPRING AND SUMMER CHINOOK ALLOCATION POLICIES – BRIEFING:

Cindy LeFleur and Heather Bartlett briefed the Commission on the current Commission Policies C-3615 and C-3616, which will expire on December 31, 2007. The Commission will consider new policies at its February 1-2, 2008, Commission meeting in Olympia.

STATEWIDE STEELHEAD MANAGEMENT PLAN – BRIEFING:

Heather Bartlett and Jim Buck briefed the Commission on the Statewide Steelhead Management Plan and comments received from the Draft Environmental Impact Statement (DEIS) that was released to the public earlier this year.

OPEN PUBLIC INPUT:

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

2008-09 DEPARTMENT GOALS AND OBJECTIVES – WORK SESSION:

Commissioners, Director Koenings, and Deputy Director Anderson discussed setting 2008-09 goals and objectives for the Department.

Deputy Director Anderson is to be the central repository for all comments from Commissioners on changes to the draft.

The Commission will consider adoption of the final Goals and Objectives at its January 10-12, 2008, Commission meeting in Vancouver.

Chair Gutzwiler recessed the meeting at 7:45 p.m.

SATURDAY, DECEMBER 8

Chair Gutzwiler called the meeting back to order at 8:06 a.m.

OPEN PUBLIC INPUT:

Four individuals provided oral testimony on issues of concerning during this portion of the meeting.

PUGET SOUND PURSE SEINE/GILL NET HARVEST ALLOCATION GUIDELINES – BRIEFING:

Pat Pattillo and John Long briefed the Commission on guidelines and the process for Puget Sound purse seine/gill net harvest allocation.

WILDLIFE CLASSIFICATION – RULE BRIEFING AND PUBLIC HEARING:

Harriett Allen briefed the Commission on proposed permanent amendments to WAC 232-12-011, Wildlife classified as protected shall not be hunted or fished, that would down-list the bald eagle from threatened to sensitive in Washington state based on the biological status of the species.

One individual provided oral testimony on the proposed amendments during Open Public Input on December 8.

COMMISSION COMMITTEE REPORTS:

The Commission discussed activities of the various Commission committees.

SUMMARY OF COMMISSION REQUESTS:

Commissioner Douvia moved, seconded by Commissioner Roehl, to request the Department, at the January or February 2008 Commission meeting, provide a briefing on the feasibility of setting opening dates for freshwater fishing on the “Saturday before Memorial Day” instead of June 1. The motion carried unanimously.

Commissioner Perry moved, seconded by Commissioner Roehl, to request the Department, in Spring 2008, provide a briefing on the Federal Farm Bill and its importance to WDFW after passage of the Bill; benefits for land management and other projects through Washington. Also, identify additional opportunities. The motion carried unanimously.

Commissioner Solomon moved, seconded by Commissioner Roehl, to request the Department, at the March or April 2008 Commission meeting, provide a briefing on the Biodiversity Council’s Final Report, outcomes and recommendations. The motion carried unanimously.

Commissioner Solomon moved, seconded by Commissioner Chew, to request the Department, in Summer 2008, provide a briefing on the state Agricultural Preservation Commission. The motion carried unanimously.

OPEN PUBLIC INPUT:

No one provide testimony on issues of concern during this portion of the meeting.

MISCELLANEOUS AND MEETING DEBRIEF:

The Commission discussed items that arose immediately before or during the meeting and after the preliminary agenda was published.

Chair Gutzwiler adjourned the meeting at 12:00 noon.

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

Nancy Burkhart

**MEMOS AND AUTHORITIES FROM THE DECEMBER 7-8, 2007,
FISH AND WILDLIFE COMMISSION MEETING, PORT ANGELES**

- Approval of Commission Minutes - Motion by Orr, second by Roehl, to approve the minutes of the:
- October 12-13, 2007, Commission Meeting; and
 - October 19, 2007, Commission Conference Call.
- The motion carried unanimously.**
- Approval of Land Transactions - Motion by Wecker, second by Perry, to approve the following land transactions:
- Acquisition of the 516-acre Crocker property in Klickitat County for \$507,000; and
 - Approval of two ground leases for \$17,000 to U.S. Cellular: (1) 0.13-acre on Quincy Wildlife Area in Grant County, and (2) 0.13-acre on Oak Creek Wildlife Area in Yakima County.
- The motion carried unanimously.**
- Approval of Spring Black Bear Seasons Rules - Motion by Wecker, second by Douvia, to adopt the permanent amendments to WAC 232-28-286, 2007, 2008, and 2009 Spring black bear seasons and regulations, as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.****
- Approval of Nontoxic Shot Requirements Rules - Motion by Solomon, second by Mahnken, to adopt the permanent amendments to WAC 232-12-068, Nontoxic shot requirements, as proposed. **The motion carried unanimously.**
- Approval of Multiple Season Big Game Permits and Mandatory Reporting Rules - Motion by Orr, second by Roehl, to adopt the permanent amendments to WAC 232-28-294, Multiple season big game permits; and WAC 232-28-299, Mandatory report of hunting activity, as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Big Game and Wild Turkey Auction, Raffle, and Special Incentive Permits Rules - Motion by Orr, second by Wecker, to adopt the permanent amendments to WAC 232-28-282, Big game and wild turkey auction, raffle, and special incentive permits, as proposed. **The motion carried unanimously.**
- Approval of Deer and Elk Area Descriptions Rules - Motion by Orr, second by Perry, to adopt the permanent amendments to WAC 232-28-337, Deer and elk area descriptions, as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Public Conduct on Department Lands Rules - Motion by Perry, second by Orr, to adopt the permanent amendments to Chapter 232-13 WAC, Public conduct in wildlife areas and access sites owned or controlled by the Department of Fish and Wildlife, and repeal of:
- WAC 232-13-174, Domestic animals on department lands;
 - WAC 232-12-177, Vehicles using department lands;
 - WAC 232-12-184, Aircraft—Authorized use on department
- Approval of Public

Conduct on
Department Lands
Rules (continued)

- lands;
 - WAC 232-12-187, Access areas—Other department land—Wildlife agent to control traffic thereon; and
 - WAC 232-12-251, Removal of minerals, wood and artifacts from department lands.

- Motion by Wecker, second by Solomon, to amend the motion by amending WAC 232-13-080, Commercial use or activity, by striking in (3) “, including but not limited to the placement of bee hives, collecting mushrooms or plants or plant parts; guiding or outfitting hunters, anglers, or whitewater rafters; or sales or services;” **The motion to amend the motion carried unanimously.**

- Motion by Wecker, second by Solomon, to amend the motion by amending WAC 232-13-100, Dumping and sanitation by striking in (3) “department-owned vehicles or vehicles used by the department for department administration” and replacing with “administrative purposes”. Add “with any substances other than water or biodegradable soaps” after “...or other vehicle on department lands.” **The motion to amend the motion carried unanimously.**

- Motion by Wecker, second by Solomon, to amend the motion by amending WAC 232-13-130, Firearms and target practicing, by striking in (c) “any” before “debris”. In (2), add “consistent with resource management or public safety concerns” after “...target practicing.” **The motion to amend the motion carried unanimously.**

- Motion by Roehl, second by Orr, to amend the motion by not adopting:
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 - WAC 232-13-200, Vehicle use;and not repealing:
 - WAC 232-12-174, Domestic animals on department lands;
 - WAC 232-12-177, Vehicles using department lands; and
 - WAC 232-12-251, Removal of minerals, wood and artifacts from department lands.**The motion to amend the motion carried.**

The motion, as amended, carried unanimously.

Approval of Master
Hunter Program
Commission Policy
C-6005

- Motion by Orr, second by Perry, to approve Commission Policy C-6005, Master Hunter Program, as amended. **The motion carried unanimously.**

Approval of

- Motion by Orr, second by Mahnken, to approve the 2007 Report of

Commission
Advisory Committee
for Persons with
Disabilities' 2007
Report to
Legislature

the Commission Advisory Committee for Persons with Disabilities for submittal to the Legislature as proposed including the Commission's recommendation that the Legislature extend the committee through July 2011. **The motion carried unanimously.**

Commission
Requests to the
Department

- Motion by Douvia, second by Roehl, to request the Department, at the January or February 2008 Commission meeting, provide a briefing on the feasibility of setting opening dates for freshwater fishing on the "Saturday before Memorial Day" instead of June 1. **The motion carried unanimously.**
- Motion by Perry, second by Roehl, to request the Department, in Spring 2008, provide a briefing on the Federal Farm Bill and its importance to WDFW; benefits for land management and other projects through Washington. Also, identify additional opportunities. **The motion carried unanimously.**
- Motion by Solomon, second by Roehl, to request the Department, at the March or April 2008 Commission meeting, provide a briefing on the Biodiversity Council's Final Report, outcomes and recommendations. **The motion carried unanimously.**
- Motion by Solomon, second by Chew, to request the Department, in Summer 2008, provide a briefing on the state Agricultural Preservation Commission. **The motion carried unanimously.**

* Commissioner Solomon was absent during discussion and vote on the motion.

** Commissioner Chew was absent during discussion and vote on the motion.

Commissioners in Attendance:

Jerry Gutzwiler, Chair

Miranda Wecker, Vice Chair

Ken Chew

Gary Douvia

Conrad Mahnken

George Orr

Chuck Perry

Will Roehl

Shirley Solomon