



**19. JOHNSON DEBAY'S SLOUGH GAME RESERVE – RULE BRIEFING,
PUBLIC HEARING, AND RULE ACTION**

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“GREEN SHEET”

Meeting: August 8-9, 2008

Agenda Item 19: Amend WAC 232-16-800 Johnson Debay's Slough Game Reserve –
Rule Briefing, Public Hearing, and Rule Action

Prepared By: Don Kraege

Presented By: Don Kraege, Waterfowl Section Manager, Wildlife Program

Background:

The Department was awarded a federal North American Wetlands Conservation Act grant in the mid-1990s to purchase wetlands and agricultural lands associated with Debay's Slough near Sedro Woolley in Skagit County, for the purpose of providing a secure foraging and roosting area for trumpeter swans. The Commission established the Johnson/Debay's Slough Game Reserve in 1997, which included the new acquisition and private lands, and private landowners were informed of the action at that time. Recent review of the boundary description for the reserve has shown that the description is incomplete (see attached map on page 2). The proposed amendment would correct this inaccuracy.

Policy Issue(s) you are bringing to the Commission for consideration:

Correction of reserve boundary description.

Public involvement process used and what you learned:

This proposed recommendation was mailed to approximately 450 organizations and individuals in June for their review and consideration. The Department contacted the private landowners affected by the correction and has recently received public input to modify the correction and is now recommending an adjustment to address this input. In addition, this proposed recommendation was presented to the Waterfowl Advisory Group on August 2, 2008 and they supported the recommended adjustment. These organizations and individuals were also informed of the opportunity to provide public testimony at the August Commission meeting in Lynnwood.

Action requested (identify the specific Commission decisions you are seeking):

The Commission will take public input and accept or reject the WAC amendment as presented.

Draft motion language:

I move to amend WAC 232-16-800, as proposed.

Justification for Commission action:

Correct incomplete boundary description.

AMENDATORY SECTION (Amending Order 98-155, filed 8/13/98, effective 9/13/98)

WAC 232-16-800 Johnson/Debay's Slough Game Reserve. In Skagit County, beginning at the intersection of Francis Road and Debay's Slough Road; then south and west along Francis Road (3090 feet) to white corner marker; then north (1265 feet) to the middle of Debay's Slough (white corner marker); then westerly (2087 feet) along the channel of Debay's Slough to the western tip of the farmed portion of Debay's Island; then northerly (1485 feet) to the south bank of the Skagit River (white corner marker); then easterly (~~((1600))~~) 2200 feet) along the south bank of the Skagit River to fence line (white corner marker); then south along fence line (~~((855))~~) 150 feet) to corner post; then ~~((east))~~ southeast 1050 feet to fence line; then east 1090 feet along fence line (~~((435-feet))~~) to fence intersection; then south (300 feet) along fence line to existing tree line (white corner marker); then continue south (835 feet) to south shoreline of Debay's Slough (white corner marker); then easterly and southerly along the west shoreline of Debay's Slough (1770 feet) to the south side of Debay's Slough Road (white corner marker); then east along the south side of Debay's Slough Road to the intersection of Francis Road and the point of beginning.

[Statutory Authority: RCW 77.12.040. 98-17-041 (Order 98-155), § 232-16-800, filed 8/13/98, effective 9/13/98; 97-18-025 (Order 97-162), § 232-16-800, filed 8/25/97, effective 9/25/97.]

WAC 232-16-800 Johnson Debay's Slough Game Reserve

SUPPLEMENTAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebooks.

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Based on public input, adjust the northern Reserve boundary along the Skagit River to exclude parts of two privately owned parcels and a small WDFW parcel. These lands are not believed to be critical to the function of the Reserve in providing an undisturbed winter use area for wintering swans.

Johnson Debay's Slough Game Reserve

Supplemental Recommended Adjustment to Boundary Description



- ORIGINAL BOUNDARY (ADOPTED 1997)**
- 2008 CR102 INITIAL PROPOSED AMENDMENT TO BOUNDARY DESCRIPTION**
- 2008 SUPPLEMENTAL RECOMMENDED ADJUSTMENT TO BOUNDARY DESCRIPTION**

SUPPLEMENTAL SUMMARY OF WRITTEN PUBLIC INPUT

COMMENTS	AGENCY RESPONSE
Deny rule, exclude one private parcel, or continue proposal to a future meeting.	The Department was not aware of these recommendations at the time the rule was filed. The Department has developed a proposal to address these concerns and has presented it to the private landowner who made the recommendation. The proposal would exclude most of the landowner's 28 acres from the Reserve, which should not affect the Reserve integrity. Affects on winter swan use will be monitored following rule adoption.
Develop boundary line adjustment to trade Department lands with private lands.	The proposed rule action would not affect discussions regarding land transactions.
Support for the recommended adjustment as proposed.	We appreciate the input and support of the Waterfowl Advisory Group in the development of these rule proposals.



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 08-08-108 & 08-10-093; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
 Amend WAC 232-16-800 Johnson/Debay's Slough Game Reserve
 Adopt WAC 232-28-432 2008-09 Migratory waterfowl seasons and regulations
 Repeal WAC 232-28-431 2007-08 Migratory waterfowl seasons and regulations

Hearing location(s):

Embassy Suites
 20610 44th Avenue West
 Lynnwood, WA 98036
 (425) 775-2500

Date: August 8-9, 2008 Time: 8:00 am

Date of intended adoption: August 8-9, 2008

(Note: This is NOT the effective date)

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
 Address: 600 Capitol Way North, Olympia WA 98501-1091
 e-mail Wildthing@dfw.wa.gov
 fax (360) 902-2162

By: Wednesday, July 16, 2008

Assistance for persons with disabilities:

Contact: Susan Yeager by August 6, 2008

TTY (800) 833-6388 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

WAC 232-16-800 – This amendment corrects an error in the reserve boundary description.

WAC 232-28-432 – The new WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl, coot, and snipe for the 2008-09 hunting season. WAC 232-28-432 replaces WAC 232-28-431.

Reasons supporting proposal:

WAC 232-16-800 – Revision of the reserve boundary description to make it understandable.

WAC 232-28-432 – Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

Statutory authority for adoption: 77.12.040; 77.12.047; 77.12.020; 77.12.570; 77.12.210

Statute being implemented: 77.12.040; 77.12.047; 77.12.020; 77.12.570; 77.12.210; 77.12.040

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED**

DATE: June 26, 2008

TIME: 2:46 PM

WSR 08-14-078

DATE
June 26, 2008

NAME
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)
Washington Fish and Wildlife Commission

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Dave Brittell	Natural Resources Building, Olympia	(306) 902-2504
Implementation....Dave Brittell	Natural Resources Building, Olympia	(360) 902-2504
Enforcement.....Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules regulate recreational hunters and do not directly regulate small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Not hydraulics rules.