

# WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

November 7-8, 2008

Natural Resources Building, Room 172  
1111 Washington Street Southeast  
Olympia, Washington

## ATTENDANCE:

### Commission

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

### Commission Staff

Susan Yeager  
Nancy Burkhart

### Department

Jeff Koenings, Director  
Joe Stohr, Deputy Director-Operations  
Bruce Bjork  
Greg Hueckel  
Jo Wadsworth  
Brian Edie  
Dan Budd  
Mick Cope  
Mike O'Malley  
John Kerwin  
Bill Tweit  
Pat Frazier  
Brad James  
Elyse Kane  
Jennifer Quan  
Travis Nelson  
Gregory F. Haw  
Pat Michael  
Lisa Wood  
Marc Daily  
Heather Bartlett  
Steve Thiesfeld  
Brad James  
Perry Harvester

### Department (continued)

Craig Burley  
Harriet Allen  
Other Department Staff

### Public

Kathryn McCloud, AGO  
Bill Frymire, AGO  
Bonnie Long, GoPAW  
Richard Holcomb, Bedrock Prospectors  
Bruce Beatty  
Betty Beatty  
Harley Edwards  
William Thomas  
Robert Cunningham, NWTS  
Scott Williams, PSE  
Darrell Peeples, PSE  
Steven O'Neill, WA State Prospectors  
Curt Gavigan, Senate Committee Services  
Hans Mak  
Todd Ripley  
Frances Estalilla  
Ron Wilson, Resources Coalition  
Susan Wilson, Resources Coalition  
Robert P. Carstensen  
Jack Smith, GoPAW  
Bob Rodgers, GoPAW  
Jack Hoshier  
Mark Erickson, Resources Coalition  
David Jennings  
Sam Wright

## **FRIDAY, NOVEMBER 7**

Chair Gutzwiler called the meeting to order at 8:30 a.m.

### **APPROVAL OF MINUTES:**

**Commissioner Wecker moved, seconded by Commissioner Mahnken, to approve the minutes of the following:**

- **August 15, 2008, Commission Conference Call;**
- **September 19, 2008, Commission Conference Call; and**
- **October 17, 2008, Commission Conference Call.**

**The motion carried unanimously.**

### **COMMISSIONERS' DISCUSSION:**

Commissioners discussed recent activities and items of general interest.

### **DIRECTOR'S REPORT:**

Director Koenings reviewed significant Department issues and activities, including:

- Landslide near Elk Springs Hatchery (Skokomish River)
- Pacific Fishery Management Council update
- White River (Little White Salmon) hatchery broodstock transfer update

### **OPERATIONS AND BUDGET UPDATE:**

Deputy Director Stohr provided an update to the Commission on the Department's budget and operational issues.

### **OPEN PUBLIC INPUT:**

The following individuals provided oral testimony on issues of concern during this portion of the meeting:

- William Thomas (Mt. Vernon) – Mineral prospecting rules
- Todd Ripley (Seattle) – Grays Harbor coho fishery
- Hans Mak (Shelton) – Chehalis River fall chinook
- Francis Estalilla (Aberdeen) – Grays Harbor salmon

### **PROPOSED LAND TRANSACTIONS – DECISION:**

Dan Budd presented numerous proposed land transactions. The Department withdrew the proposed acquisition of an 896.19-acre property in Okanogan County.

No individuals provided oral testimony on the proposed transactions received during this portion of the

meeting.

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

- **Acquisition of the 186.2-acre Russell property in Columbia and Garfield Counties for \$460,000;**
- **Acceptance of the donation of the 21.5-acre parcel from the Nature Conservancy in Grays Harbor County;**
- **Sale of the 14.66-acre former Alexander property in Snohomish County to the City of Marysville for \$80,000;**
- **Acceptance of the donation of a 6,500-acre conservation easement from Puget Sound Energy on the Wildhorse Wind Farm in Kittitas County; and**
- **Approve a 20-year agreement with Williams Pipeline to install underground cathodic protection on existing pipeline on the L T Murray Wildlife Area in Kittitas County.**

**The motion carried unanimously.**

**WILDLIFE REHABILITATION PERMITS – RULE BRIEFING AND PUBLIC HEARING:**

Brian Edie briefed the Commission on proposed amendments to WAC 232-12-275, Wildlife rehabilitation permits, which would update facility requirements for oiled-bird rehabilitation activities to current standards. The Commission will consider final adoption of rule amendments at its December 12-13, 2008, meeting in Olympia.

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

**THE DEPARTMENT AND TOURISM EXPANSION – BRIEFING:**

At the request of the Commission, Mike O'Malley, John Kerwin, Mick Cope, Michelle Massey (Community, Trade, and Economic Development Director), and Michelle Campbell (CTED Product Development) briefed the Commission on the status of the department's tourism expansion efforts relating to both consumptive and non-consumptive uses of fish and wildlife resources.

**WIND POWER GUIDELINES UPDATE – BRIEFING:**

Travis Nelson briefed the Commission on the ongoing process to update the Department's Wind Power Guidelines, which were first completed in August 2003. After holding public stakeholder meetings and additional gathering of input, the Department plans to complete the update by December 2008.

**COLUMBIA RIVER RECREATIONAL FISHING GEAR RESTRICTIONS – BRIEFING:**

At the request of the Commission, Bill Tweit and Steve Thiesfeld briefed the Commission on the feasibility of implementing barbless hook rules for sport fisheries on the Columbia River to reduce hook-and-release impacts on ESA-listed salmonids.

**LOWER COLUMBIA RIVER STURGEON MANAGEMENT POLICY – BRIEFING AND PUBLIC**

HEARING:

Bill Tweit, Pat Frazier, and Brad James briefed the Commission on the current status of Commission Policy C-3001, Lower Columbia Sturgeon Management (which expires December 31, 2008), and presented recommendations for updating the Policy. The Commission will consider adoption of updates to the Policy at its December 12-13, 2008, meeting in Olympia.

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

OPEN PUBLIC INPUT:

No individuals provided oral testimony on issues of concern during this portion of the meeting.

Chair Gutzwiler recessed the meeting at 5:15 p.m.

**SATURDAY, NOVEMBER 8**

Chair Gutzwiler called the meeting back to order at 8:30 a.m.

OPEN PUBLIC INPUT:

The following individual provided oral testimony on issues of concern during this portion of the meeting:

Bonnie Long (Olympia) – Go Play Outside Alliance of Washington

2009 COMMISSION MEETING CALENDAR – DECISION:

The Commission discussed adoption of its 2009 meeting calendar. The Commission held a public hearing on this topic during its September 5-6, 2008, meeting in Olympia.

**Commissioner Wecker moved, seconded by Commissioner Orr, to adopt the 2009 Commission meeting calendar as proposed, with Commission conference calls to be held the first and third Friday mornings of each month, except when that day is the same as a regular meeting or state holiday:**

- **January 9-10, 2009, meeting (Olympia)**
- **February 5-6-7, 2009, meeting (Olympia)**
- **March 6-7, 2009, meeting (Ellensburg)**
- **April 2-3-4, 2009, meeting (Olympia)**
- **May 8-9, 2009, meeting (Olympia)**
- **June 5-6, 2009, meeting (Olympia)**
- **July 10-11, 2009, meeting (Olympia)**
- **August 6-7-8, 2009, meeting (Spokane) (\*\* later amended to Colville\*\*)**

- **September 11-12, 2009, meeting (Olympia)**
- **October 2-3, 2009, meeting (Olympia)**
- **November 6-7, 2009, meeting (Olympia)**
- **December 4-5, 2009, meeting (Olympia)**

**Commissioner Douvia moved, seconded by Commissioner Wecker, to amend the motion to move the location of the August 6-7-8, 2008, meeting from Spokane to Colville. The motion to amend the motion carried.**

**The motion, as amended, carried.**

#### MINERAL PROSPECTING RULES – RULE ACTION:

Greg Hueckel and Perry Harvester presented proposed permanent rule amendments to WAC rules for hydraulic project approval rules related to small-scale mineral prospecting (a.k.a., “Gold and Fish Pamphlet”) to protect fish life and habitat from prospecting impacts. The Commission held a public hearing on the rule proposals at its October 3-4, 2008, meeting in Olympia.

**Commissioner Wecker moved, seconded by Commissioner Mahnken, to adopt the permanent rule amendments as proposed and repeal of WACs 220-11-0203, -204, -205, -207, -208, and -209:**

- **WAC 220-110-020, Definitions;**
- **WAC 220-110-030, Hydraulic project approvals – Procedures;**
- **WAC 220-110-031, Pamphlet hydraulic approvals – Procedures;**
- **WAC 220-110-200, Mineral prospecting (~~technical provisions~~);**
- **WAC 220-110-201 (~~Common~~) mineral prospecting (~~technical provisions~~) without timing restrictions;**
- **WAC 220-110-202 (~~Use of Class 0 mineral prospecting equipment~~) Mineral prospecting with timing restrictions;**
- **WAC 220-110-206, Authorized work times and (~~watereourses~~) mineral prospecting equipment restrictions by specific state waters for mineral prospecting and placer mining projects;**
- **WAC 220-110-340, Informal appeal of adverse administrative decisions;**
- **WAC 220-11-0350, Formal appeal of administrative decisions; and**
- **WAC 220-110-360, Penalties.**

**The motion carried unanimously.**

#### 2009-2010 SPORTFISH PROPOSALS – RULE BRIEFING AND PUBLIC HEARING:

Craig Burley and Heather Bartlett briefed the Commission on sportfish rule proposals for the 2009-2010 season. The Commission will consider adoption of the 2009-2010 sportfish regulations at its February 5-6-7, 2009, meeting in Olympia.

- **WAC 220-16-880, Saltwater State Park Marine Preserve;**
- **WAC 220-20-100, General provisions—Marine Protected Areas;**
- **WAC 220-56-100, Definition—Personal-use fishing;**
- **WAC 220-56-105, River mouth definitions;**
- **WAC 220-56-122, Statewide bait rules;**

- WAC 220-56-350, Clams other than razor clams, mussels—Areas and seasons;
- WAC 220-56-380, Oysters—Areas and seasons;
- WAC 220-56-500, Game fish seasons;
- WAC 232-12-168, Fishing contests; and
- WAC 220-28-619, Washington food fish and game fish—Freshwater exceptions to statewide rules.

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

- David Jennings (Olympia)
- Sam Wright (Olympia)

#### SPECIES DELISTING PROCESS – BRIEFING:

At the request of the Commission, Harriet Allen, briefed the Commission on its legal authority and discretion within the species delisting process, specifically as it relates to the status of the gray wolf in Washington state.

#### COLUMBIA RIVER FISH WORKING GROUP (CRFWG) UPDATE:

Commissioner Douvia reviewed recent meetings and topics related to the CRFWG bi-state committee.

#### COMMISSION COMMITTEE REPORTS:

Commissioners discussed activities of the various Commission committees.

#### OPEN PUBLIC INPUT:

No individuals provided oral testimony on issues of concern during this portion of the meeting.

#### MISCELLANEOUS AND MEETING DEBRIEF:

**Commissioner Solomon moved, seconded by Commissioner Perry, to request the Department provide a briefing (either the February 5-6-7, 2009, Commission meeting or March 6-7, Commission meeting) on the context and overview of the state's Oil Spill Response Program, identifying the extent of the Program and all participating organizations and agencies. Department is to include a discussion of volunteer training and engagement. The motion carried unanimously.**

**Commissioner Perry moved, seconded by Commissioner Mahnken, to request the Department provide a report at the November 6-7, 2009, Commission meeting on the progress and success in implementation of the new mining rules, cooperation with miners, meeting Commission requests, and protecting fish life. The motion carried unanimously.**

**Commissioner Wecker moved, seconded by Commissioner Solomon, to request the Department provide a briefing at an upcoming meeting on Grays Harbor salmon hatchery production,**

**escapement goals, actual escapement, and harvest over the past 10 years. Briefing to include information on treaty harvest and process for developing season allocations. The motion carried unanimously.**

EXECUTIVE SESSION:

The Commission met in Executive Session from 11:50 a.m. to 12:38 p.m. to review the performance of a public employee or employees, pursuant to RCW 42.30.110(1)(g). No action was taken during the Executive Session, and the public was not permitted to attend.

Chair Gutzwiler adjourned the meeting at 12:40 p.m.

nb

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

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Nancy Burkhart



**MEMOS AND AUTHORITIES FROM THE NOVEMBER 7-8, 2008  
FISH AND WILDLIFE COMMISSION MEETING, OLYMPIA**

- Approval of Minutes - Motion by Wecker, second by Mahnken, to approve the minutes of the following:
- August 15, 2008, Commission Conference Call;
  - September 19, 2008, Commission Conference Call; and
  - October 17, 2008, Commission Conference Call.
- The motion carried unanimously.**
- Land Transactions - Motion by Solomon, second by Perry, to approve the following land transactions:
- Acquisition of the 186.2-acre Russell property in Columbia and Garfield Counties for \$460,000;
  - Acceptance of the donation of the 21.5-acre parcel from the Nature Conservancy in Grays Harbor County;
  - Sale of the 14.66-acre former Alexander property in Snohomish County to the City of Marysville for \$80,000;
  - Acceptance of the donation of a 6,500-acre conservation easement from Puget Sound Energy on the Wildhorse Wind Farm in Kittitas County; and
  - Approve a 20-year agreement with Williams Pipeline to install underground cathodic protection on existing pipeline on the L T Murray Wildlife Area in Kittitas County.
- The motion carried unanimously.**
- 2009 Commission Meeting Calendar - Motion by Wecker, second by Orr, to adopt the 2009 Commission meeting calendar as proposed, with Commission conference calls to be held the first and third Friday mornings of each month, except when that day is the same as a regular meeting or state holiday:
- January 9-10, 2009, meeting (Olympia)
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  - November 6-7, 2009, meeting (Olympia)
  - December 4-5, 2009, meeting (Olympia)
- Motion by Douvia, second by Wecker, to amend the motion to move the location of the August 6-7-8, 2008, meeting from Spokane to Colville. **The motion to amend the motion carried.**
- The motion, as amended, carried.**

Approval of  
Mineral  
Prospecting Rules

- Motion by Wecker, second by Mahnken, to adopt the permanent rule amendments as proposed and repeal of WACs 220-11-0203, -204, -205, -207, -208, and -209:
  - WAC 220-110-020, Definitions;
  - WAC 220-110-030, Hydraulic project approvals – Procedures;
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  - WAC 220-110-200, Mineral prospecting (~~technical provisions~~);
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  - WAC 220-110-206, Authorized work times and (~~watercourses~~) mineral prospecting equipment restrictions by specific state waters for mineral prospecting and placer mining projects;
  - WAC 220-110-340, Informal appeal of adverse administrative decisions;
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**The motion carried unanimously.**

Commission  
Requests to the  
Department

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Commissioners in Attendance:

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