

MINUTES

WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

April 3-4, 2009

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

ATTENDANCE:

Commission

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
Conrad Mahnken (*April 4 only*)
George Orr
Chuck Perry

Commission Staff:

Susan Yeager
Nancy Burkhart

Department

Phil Anderson, Interim Director
Joe Stohr, Deputy Director-Operations
Bill Frymire, AGO
Bruce Bjork
Dave Brittell
Mike Cenci
Craig Burley
Dave Ware
Donny Martorello
Jerry Nelson
Steve Pozzanghera
Kirt Hughes
Russell Rogers
Bob Sizemore
Richard Tveten
Jennifer Quan
Nate Pamplin
Craig Bartlett
Darren Friedel
Jo Wadsworth
Dan Budd
Don Larson
Chris Anderson
Rich Mann
Mike Whorton
Bill Hebner

Department (continued)

Dan Brinson
Sean Carrell
Chris Anderson
Mick Cope
Mik Mikitik
Matt Niles
Nick Jorg
Other Department staff

Public

Peter Goldmark, Commissioner of Public Lands
Larry Alvar, WA State Bowhunters
Traditional Bowhunters of WA
Edie Gilliss, DNR
Bruce Ogren, Willapa Bay Gillnetters Assn.
Al Schmauder, Clover Creek Council
Bob Lake, Willapa Bay Gillnetters Assn.
B.J. Thorniley, WA State Trappers Assn; WA for
Wildlife Conservation
Rick Wakefield
Mike Hafert
Donald Rivard, Jr.
Rick Liebel, WA State Bowhunters
Ann Woltze
Martha Jordan, The Trumpeter Swans Society;
Tucker KBD Fund
Georg Ziegltrum, WA Forest Practices Assn.
John Larson, WA Assn. of Conservation Districts
Ray Crisp, WA State Archers Assn.
John Rhodes
Walt Christensen, WA State Muzzleloaders Assn.
William Baker
Clinton Gault, Traditional Bowhunters of WA
Dale Sharp, Traditional Bowhunters of WA
Charlotte Persons, Willapa Hills Audubon Society
John Keatley, Cowlitz Conservation District
Richard Holcomb, Bedrock Prospectors
Darcy Mitchem, Toutle Valley Community Assn.

FRIDAY, APRIL 3

Chair Wecker called the meeting to order at 9:30 a.m.

APPROVAL OF MINUTES:

There we no minutes for approval.

COMMISSIONERS' DISCUSSION:

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

DIRECTOR'S REPORT:

Interim Director Anderson reviewed significant Department issues and activities, including:
North of Falcon;
Department Goals and Objectives;
Rockfish status; and
21st Century Salmon and Steelhead Initiative.

OPERATIONS AND BUDGET UPDATE:

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

OPEN PUBLIC INPUT:

The following individuals provided oral testimony on issues of concern during this portion of the meeting:
Charlotte Persons (Kelso) – High lakes public access
Darcy Mitchem (Toutle) – High lakes public access
Al Schmauder (Olympia) – Coho harvest at Chambers Bay
Bob Lake (Grayland) – Willapa Bay fisheries
Bruce Ogren (South Bend) – Willapa Bay fisheries
Richard Holcomb (Tacoma) – Mineral prospecting

PROPOSED LAND TRANSACTIONS – DECISION:

Dan Budd presented two proposed land transactions for approval.

One individual testified orally on the proposed land transaction during this portion of the meeting:
Martha Jordan (Everett)

Commissioner Perry moved, seconded by Commissioner Orr, to approve the following:

- **Acquisition of the 1.07-acre Monson property in Snohomish County for \$335,000; and**

- **Acceptance of the 8.66-acre Nelle Family Trust/Gordon Stewart property donation in Whatcom County.**

The motion carried unanimously. (Commissioner Mahnken was absent for the discussion and vote).

SHELLFISH AQUACULTURE OVERVIEW – BRIEFING:

At the request of the Commission, Bob Sizemore and Russell Rogers briefed the Commission on the economic importance of shellfish aquaculture in Washington state.

Commissioner Chew suggested that this information be put into a bullet-point list/summary communications document for the shellfish community, general public, and legislators.

LUNCH – DISCUSSION:

The Commission and Commissioner of Public Lands, Peter Goldmark, discussed natural resource management issues of mutual interest during lunch, including: geoducks, spartina, and DNR-WDFW land exchange status.

WASHINGTON ASSOCIATION OF CONSERVATION DISTRICTS (WACD) RECOMMENDATIONS FOR DEPARTMENT LANDS ACQUISITIONS – BRIEFING:

At the request of the Commission, Steve Pozzanghera, Don Larsen, Jennifer Quan, John Larson (WACD Executive Director), and John Keatley (Cowlitz Conservation District) briefed the Commission on recommendations developed by the WACD Task Force on WDFW Land Acquisition, Land Management and Wildlife Conflicts.

ILLEGAL MARIJUANA GROWING ON PUBLIC LANDS – BRIEFING:

Deputy Chief Mike Cenci and Captain Chris Anderson briefed the Commission on the significant negative environmental and public safety impacts caused by large-scale illegal marijuana cultivation that occurs on public lands and the tactics used by law enforcement for addressing the problem.

DEPARTMENT LANDS USAGE – BRIEFING:

Captains Chris Anderson and Richard Mann briefed the Commission on the impacts of the increasing non-traditional use of Department lands.

HUMAN/WILDLIFE CONFLICTS – BRIEFING:

Captains Mike Whorton, Bill Hebner and Dan Brinson, and Sean Carrell briefed the Commission on building cooperative relationships with landowners and tools used for resolving human/wildlife conflicts in both urban and rural areas. At the request of Chair Wecker, Captain Bill Hebner and Martha Jordan (Tucker KBD Fund) provided information on the Wind River Bear Institute and training Karelian bear dogs to “train” the bears.

WILDLIFE AREAS AND HYDRAULIC PROJECT APPROVAL HABITAT CONSERVATION PLANS (HCPs) – BRIEFING:

Matt Niles and Richard Tveten briefed the Commission on the progress since 2006 on the development of two HCPs: one for activities conducted on agency-owned or –managed wildlife areas, and the other for activities conducted under the Hydraulic Project Approval authority.

OPEN PUBLIC INPUT:

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

Ray Crisp (Olympia) – Hunting
Martha Jordan (Everett) – Lead shot toxicity

Chair Wecker recessed the meeting at 5:50 p.m.

SATURDAY, APRIL 4

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

OPEN PUBLIC INPUT:

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

Walt Christensen (Des Moines) – Commission audio recordings and materials on website
Dale Sharp (Renton) – Commission process

PROPOSED 2009-2011 HUNTING REGULATIONS PACKAGE – OVERVIEW:

Dave Ware provided the Commission with an overview and update on the proposed three-year hunting regulations package for 2009-2011. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg. The following 15 rule actions are components of the 2009-2011 hunting regulations package.

SPECIAL SEASONS AND HUNTING RESTRICTIONS – RULE ACTION:

Dave Ware presented proposed permanent amendments that would generate funding to expand the hunter access program into priority areas of the state:

WAC 232-28-294, Multiple season permits;
WAC 232-28-291, Special hunting season permits;
WAC 232-12-055, Hunting—Hunter orange clothing requirements; and
WAC 232-12-061, Party hunting.

The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg. Mr. Ware introduced a staff floor amendment to clarify hunter orange requirements by adding, "...when hunting deer or elk."

Commissioner Douvia moved, seconded by Commissioner Perry, to adopt the permanent amendments to:

- WAC 232-28-294, Multiple season permits;**
- WAC 232-28-291, Special hunting season permits;**
- WAC 232-12-055, Hunting—Hunter orange clothing requirements; and**
- WAC 232-12-061, Party hunting**

as filed with the Code Reviser's Office and floor amended by staff. The motion carried unanimously.

**HUNTING OPPORTUNITIES FOR HUNTERS WITH DISABILITIES AND THE TERMINALLY ILL –
RULE ACTION:**

Dave Ware presented proposed permanent amendments that would authorize the Department to develop criteria for issuing special-use permits:

- WAC 232-12-840, Hunting and fishing opportunities for terminally ill persons; and
- WAC 232-12-828, Hunting of game birds and animals by persons with a disability.

The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Chew, to adopt the permanent amendments to:

- WAC 232-12-840, Hunting and fishing opportunities for terminally ill persons; and**
 - WAC 232-12-828, Hunting of game birds and animals by persons with a disability**
- as proposed. The motion carried unanimously.**

TRAPPING SEASONS AND REGULATIONS – RULE ACTION:

Donny Martorello presented proposed permanent amendments to WAC 232-28-516, Trapping seasons and regulations, and repeal of WAC 232-28-515, Trapping seasons and regulations, consistent with reduced harvest resulting from passage of the voter Initiative 713. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Orr, to adopt the permanent amendments to WAC 232-28-516, Trapping seasons and regulations, as proposed, and repeal of WAC 232-28-515, Trapping seasons and regulations. The motion carried unanimously.

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

Donny Martorello presented proposed permanent amendments to WAC 232-28-282, Big game and wild turkey auction, raffle, and special incentive permits, that would establish seasons for all big game auction and raffle hunts and expand the bighorn sheep raffle permit consistent with population status. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Orr, to adopt the permanent amendments to WAC 232-28-282, Big game and wild turkey auction, raffle, and special incentive permits, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

SPRING BLACK BEAR SEASONS AND REGULATIONS – RULE ACTION:

Donny Martorello presented proposed permanent amendments to WAC 232-28-286, 2010, 2011, and 2012 Spring black bear seasons and regulations, that would establish spring black bear seasons. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Chew, to adopt the permanent amendments to WAC 232-28-286, 2010, 2011, and 2012 Spring black bear seasons and regulations, as proposed. The motion carried unanimously.

MOOSE, BIGHORN SHEEP, AND MOUNTAIN GOAT SEASONS AND PERMIT QUOTAS – RULE ACTION:

Donny Martorello presented proposed permanent amendments to WAC 232-28-272, Moose, bighorn sheep, and mountain goat seasons and permit quotas, which would allow hunting through a permit-only season. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Chew, to adopt the permanent amendments to WAC 232-28-272, Moose, bighorn sheep, and mountain goat seasons and permit quotas, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

BLACK BEAR AND COUGAR HUNTING REGULATIONS – RULE ACTION:

Donny Martorello presented proposed permanent amendments that would establish 2009-2010, 2010-2011, and 2011-2012 seasons:

WAC 232-28-272, 2009-2010, 2010-2011, and 2011-2012 Black bear and cougar hunting seasons and regulations; and WAC 232-28-287, 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Orr, to adopt the permanent amendments to:

WAC 232-28-272, 2009-2010, 2010-2011, and 2011-2012 Black bear and cougar hunting seasons and regulations; and

WAC 232-28-287, 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

HUNTING EQUIPMENT RESTRICTIONS – RULE ACTION:

Jerry Nelson presented proposed permanent amendments that would amend hunting equipment regulations:

WAC 232-12-051, Muzzleloading firearms;

WAC 232-12-054, Archery requirements—Archery special permits; and

WAC 232-12-047, Unlawful methods of hunting.

The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Chew, to adopt the permanent amendments to:

- WAC 232-12-051, Muzzleloading firearms;**
- WAC 232-12-054, Archery requirements—Archery special permits; and**
- WAC 232-12-047, Unlawful methods of hunting**

as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

SPECIAL CLOSURES AND BOUNDARY REGULATIONS – RULE ACTION:

Jerry Nelson presented proposed permanent amendments that would provide means to address wildlife damage issues by modifying or creating new deer and elk areas:

- WAC 232-28-248, Special closures and firearm restriction areas;**
- WAC 232-28-333, Game management units (GMUs) boundary descriptions—Region three;**
- WAC 232-28-335, Game management units (GMUs) boundary descriptions—Region five;**
- WAC 232-28-336, Game management units (GMUs) boundary descriptions—Region six; and**
- WAC 232-28-337, Deer and elk area descriptions.**

The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Chew, to adopt the permanent amendments to:

- WAC 232-28-248, Special closures and firearm restriction areas;**
- WAC 232-28-333, Game management units (GMUs) boundary descriptions—Region three;**
- WAC 232-28-335, Game management units (GMUs) boundary descriptions—Region five;**
- WAC 232-28-336, Game management units (GMUs) boundary descriptions—Region six; and**
- 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.

DEER GENERAL SEASONS AND SPECIAL PERMIT REGULATIONS—RULE ACTION:

Jerry Nelson presented proposed permanent amendments that would make minor adjustments to deer general seasons to address emergent issues and fine-tune hunts designed to alleviate agriculture damage:

- WAC 232-28-351, 2009-2011 Deer general seasons and definitions; and**
- WAC 232-28-353, 2009 Deer special permits.**

The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg. Dr. Nelson introduced staff floor amendments that would correct typographical errors.

Commissioner Douvia moved, seconded by Commissioner Perry, to adopt the permanent amendments to:

- WAC 232-28-351, 2009-2011 Deer general seasons and definitions; and**
- WAC 232-28-353, 2009, Deer special permits**

as filed with the Code Reviser's Office, amended by staff and including floor amendments presented today by staff.

Commissioner Perry moved, seconded by Commissioner Mahnken, to amend the motion by

changing the legal deer restrictions in GMUs 117 and 121 to “white-tailed buck 3 pt min.” The motion to amend the motion failed.

The main motion carried.

ELK GENERAL SEASONS AND SPECIAL PERMIT REGULATIONS – RULE ACTION:

Jerry Nelson presented proposed permanent amendments that would make minor adjustments to elk general seasons to address emergent issues and fine-tune hunts designed to alleviate agricultural damage:

WAC 232-28-352, 2009-2011 Elk general seasons and definitions; and

WAC 232-28-354, 2009 Elk special permits.

The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg. Dr. Nelson introduced floor amendments that would correct typographical errors.

Commissioner Orr moved, seconded by Commissioner Perry, to adopt the permanent amendments to:

WAC 232-28-352, 2009-2011 Elk general seasons and definitions; and

WAC 232-28-354, 2009 Elk special permits

as filed with the Code Reviser’s Office, amended by staff and including floor amendments presented today by staff. The motion carried unanimously.

SMALL GAME SEASONS – RULE ACTION:

Mick Cope presented proposed permanent amendments to WAC 232-28-342, 2009-10, 2010-11, 2011-12 Small game seasons, which would provide hunting opportunities for small game species. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Orr moved, seconded by Commissioner Chew, to adopt the permanent amendments to WAC 232-28-342, 2009-10, 2010-11, 2011-12 Small game seasons, as filed with the Code Reviser’s Office and amended by staff. The motion carried unanimously.

LANDOWNER HUNTING PERMITS – RULE ACTION:

Mick Cope presented proposed permanent amendments to WAC 232-28-295, Landowner hunting permits, that would help address deer and elk damage problems and provide hunter access to private lands. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Perry, to adopt the permanent amendments to WAC 232-28-295, Landowner hunting permits, as filed with the Code Reviser’s Office and amended by staff. The motion carried unanimously.

DAMAGE PREVENTION PERMIT HUNTS – RULE ACTION:

Mick Cope presented proposed permanent amendments to WAC 232-28-266, Damage prevention permit hunts, that would help address turkey damage problems and provide hunter access to private lands. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Commissioner Douvia moved, seconded by Commissioner Mahnken, to adopt the permanent amendments to WAC 232-28-266, Damage prevention permit hunts, as proposed. The motion carried unanimously.

HUNTER EDUCATION TRAINING PROGRAM REQUIREMENTS – RULE ACTION:

Mik Mikitik presented proposed permanent amendments to WAC 232-12-227, Hunter education training program requirements, to ensure that only eligible hunter education graduates or individuals current identified as hunting-license buyers may purchase a license. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg.

Because the Department is waiting for results of Senate Bill 5008, which concerns hunting licensing requirements for members of the military, **Commissioner Douvia moved, seconded by Commissioner Orr, to continue action on WAC 232-12-227, Hunter education training program requirements, to the June 5-6, 2009, Commission meeting in Olympia. The motion carried unanimously.**

FIREARM SAFETY AWARD PRESENTATION:

Mik Mikitik presented the Terry Hoffer Memorial Firearm Safety Award to Wayne Long (Richland) for his outstanding work during 2008.

NONTOXIC SHOT REQUIREMENTS – RULE ACTION:

Mick Cope presented proposed permanent amendments to WAC 232-12-068, Nontoxic shot requirements, which would expand non-toxic shot requirements to address concerns associated with lead toxicity. The Commission held a public hearing on these proposed rules at its March 6-7, 2009, meeting in Ellensburg. Chair Wecker would like to have the topic of banning lead included in the staff's review of the public conduct on Department lands rules this summer.

Commissioner Mahnken moved, seconded by Commissioner Perry, to adopt the permanent amendments to WAC 232-12-068, Nontoxic shot requirements, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

OPEN PUBLIC INPUT:

The following individual provided oral testimony on issues of concern during this portion of the meeting:
Ray Crisp (Olympia) – Archery; Commission process

COMMISSION COMMITTEE REPORTS:

Commissioners discussed activities of the various Commission committees.

SUMMARY OF COMMISSION REQUESTS:

Commissioners will review the list of Commission Requests to the Department during its April 17, 2009, conference call meeting.

MISCELLANEOUS AND MEETING DEBRIEF:

Commissioners discussed items that arose immediately before or during the meeting and after the preliminary agenda was published, including the search committee's ongoing work to develop updates to the director position description for recommending to the full Commission.

Chair Wecker adjourned the meeting at 2:40 p.m.

nb, sdy

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

Nancy Burkhart

**MEMOS AND AUTHORITIES FROM THE APRIL 3-4, 2009,
FISH AND WILDLIFE COMMISSION MEETING, OLYMPIA**

- Approval of Land Transactions - Motion by Perry, second by Orr, to approve the following:
- Acquisition of the 1.07-acre Monson property in Snohomish County for \$335,000; and
 - Acceptance of the 8.66-acre Nelle Family Trust/Gordon Stewart donation in Whatcom County.
- The motion carried unanimously.**
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- Approval of Special Seasons and Hunting Restrictions Rules - Motion by Douvia, second by Perry, to adopt the permanent amendments to:
- WAC 232-28-294, Multiple season permits;
 - WAC 232-28-291, Special hunting season permits;
 - WAC 232-12-055, Hunting—Hunter orange clothing requirements; and
 - WAC 232-12-061, Party hunting
- as filed with the Code Reviser’s Office and floor amended by staff. **The motion carried unanimously.**
-
- Approval of Hunting Opportunities for Hunters with Disabilities and the Terminally Ill Rules - Motion by Douvia, second by Chew, to adopt the permanent amendments to:
- WAC 232-12-840, Hunting and fishing opportunities for terminally ill persons; and
 - WAC 232-12-828, Hunting of game birds and animals by persons with a disability
- as proposed. **The motion carried unanimously.**
-
- Approval of Trapping Seasons and Regulations Rules - Motion by Douvia, second by Orr, to adopt the permanent amendments to WAC 232-28-516, Trapping seasons and regulations, as proposed, and repeal of WAC 232-28-515, Trapping seasons and regulations. **The motion carried unanimously.**
-
- Approval of Big Game and Wild Turkey Auction, Raffle, and Special Incentive Permits Rules - Motion by Douvia, second by Orr, to adopt the permanent amendments to WAC 232-28-282, Big game and wild turkey auction, raffle, and special incentive permits, as filed with the Code Reviser’s Office and amended by staff. **The motion carried unanimously.**
-
- Approval of Spring Black Bear Seasons and Regulations Rules - Motion by Douvia, second by Chew, to adopt the permanent amendments to WAC 232-28-286, 2010, 2011, and 2012 Spring black bear seasons and regulations, as proposed. **The motion carried unanimously.**
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- Approval of Bighorn - Motion by Douvia, second by Chew, to adopt the permanent amendments

- Sheep, and Mountain Goat Seasons and Permit Quotas Rules to WAC 232-28-272, Moose, bighorn sheep, and mountain goat seasons and permit quotas, as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Black Bear and Cougar Hunting Regulations Rules - Motion by Douvia, second by Orr, to adopt the permanent amendments to:
- WAC 232-28-272, 2009-2010, 2010-2011, and 2011-2012 Black bear and cougar hunting seasons and regulations; and
- WAC 232-28-287, 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations,
as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Hunting Equipment Restrictions Rules - Motion by Douvia, second by Chew, to adopt the permanent amendments to:
- WAC 232-12-051, Muzzleloading firearms;
- WAC 232-12-054, Archery requirements—Archery special permits; and
- WAC 232-12-047, Unlawful methods of hunting
as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Special Closures and Boundary Regulations Rules - Motion by Douvia, second by Douvia, to adopt the permanent amendments to:
- WAC 232-28-248, Special closures and firearm restriction areas;
- WAC 232-28-333, Game management units (GMUs) boundary descriptions—Region three;
- WAC 232-28-335, Game management units (GMUs) boundary descriptions—Region five;
- WAC 232-28-336, Game management units (GMUs) boundary descriptions—Region six; and
- 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 Deer General Seasons and Special Permit Regulations Rules - Motion by Douvia, second by Perry, to adopt the permanent amendments to:
- WAC 232-28-351, 2009-2011 Deer general seasons and definitions; and
- WAC 232-28-353, 2009, Deer special permits
as filed with the Code Reviser's Office and amended by staff.
- Motion by Perry, second by Mahnken, to amend the motion by changing the legal deer restrictions in GMUs 117 and 121 to “white-tailed buck 3 pt min.” **The motion to amend the motion failed.**
- Approval of Deer General Seasons and

Special Permit
Regulations Rules
(continued)

The main motion carried.

- Approval of Elk - Motion by Orr, second by Perry, to adopt the permanent amendments to:
General Seasons and - WAC 232-28-352, 2009-2011 Elk general seasons and definitions;
Special Permit and
Regulations Rules - WAC 232-28-354, 2009 Elk special permits
as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Small - Motion by Orr, second by Chew, to adopt the permanent amendments to
Game Seasons Rules WAC 232-28-342, 2009-10, 2010-11, 2011-12, Small game seasons, as filed
with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of - Motion by Douvia, second by Perry, to adopt the permanent amendments to
Landowner Hunting WAC 232-28-295, Landowner hunting permits, as filed with the Code
Permits Rules Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Damage - Motion by Douvia, second by Mahnken, to adopt the permanent amendments
Prevention Permit to WAC 232-28-266, Damage prevention permit hunts, as proposed. **The**
Hunts Rules **motion carried unanimously.**
- Hunter Education - Motion by Douvia, second by Orr, to continue action on WAC 232-12-227,
Training Program Hunter education training program requirements, to the June 5-6, 2009,
Requirements Rules Commission meeting in Olympia. **The motion carried unanimously.**
- Approval of - Motion by Mahnken, second by Perry, to adopt the permanent amendments
Nontoxic Shot to
Requirements Rules WAC 232-12-068, Nontoxic shot requirements, as filed with the Code
Reviser's Office and amended by staff. **The motion carried unanimously.**

Commissioners in Attendance:

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
Conrad Mahnken
George Orr
Chuck Perry

MINUTES

WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

June 5-6, 2009

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

ATTENDANCE:

Commission

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
Conrad Mahnken
George Orr
Chuck Perry

Commission Staff:

Susan Yeager
Nancy Burkhart

Department

Phil Anderson, Interim Director
Joe Stohr, Deputy Director-Operations
Bill Frymire, AGO
Bill Joplin
Mik Mikitik
Steve Crown
Dan Budd
Lisa Coffman
Bobby Brown
Greg Bargmann
John Long
Lorna Wargo
Allen Pleus
Wayne Palsson
Andy Appleby
Sara LaBorde
Heather Bartlett
Mick Cope
Donny Martorello
Don Kraege
Other Department staff

Public

Walt Christensen, WA State Muzzleloaders Assn.
David Jennings
B.J. Thorniley, WA Trappers Assn.
Curt Gavigan, WA State Senate
Mark Cedergreen, Westport Charterboat Assn.
Rob Zuanich, Purse Seine Vessel Owners Assn.
Bill Redman, Fed. of Fly Fishers, Steelhead Committee
Tom Thorniley
Clint Muns, Puget Sound Recreational Fisheries
Enhancement – Oversight Committee
John Barr, Hatchery Scientific Review Group
Lee Blankenship, Hatchery Scientific Review Group
Sam Wright
Ed Wickersham, Coastal Conservation Assn.
Irene Martin, Salmon For All
Hobe Kytr, Salmon For All
Jim Wells, Salmon For All
Gary Wilburn, WA State Senate staff
Michael K. Whittaker
Russ Fowler
Bill Pack
Wayne Dalton
Jeff Taylor
Marianne Mitchell, Steelhead Summit Alliance
Jim Tuggle
Richard Lapinski

FRIDAY, JUNE 5

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

APPROVAL OF MINUTES:

Commissioner Douvia moved, seconded by Commissioner Perry, to approve the minutes of the following:

- **December 12-13, 2008, Commission Meeting;**
- **February 6-7, 2009, Commission Meeting;**
- **April 24, 2009, Commission Special Meeting Via Conference Call;**
- **May 1, 2009, Commission Meeting Via Conference Call; and**
- **May 15, 2009, Commission Meeting Via Conference call.**

The motion to approve the minutes carried unanimously. (Commissioner Chew was absent during discussion and vote on the motion.)

COMMISSIONERS' DISCUSSION:

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

DIRECTOR'S REPORT:

Interim Director Anderson reviewed significant Department issues and activities, including:
Partnership with Long Live The Kings
Reduction in staff process update

OPERATIONS AND BUDGET UPDATE:

Deputy Director Stohr provided an update to the Commission on the Department's budget and operational issues, including:
Hiring and purchasing freeze
HB 1778 implementation

OPEN PUBLIC INPUT:

No one signed up to testify during this portion of the meeting.

DEPARTMENT DIRECTOR POSITION DESCRIPTION AND SEARCH PROCESS – DISCUSSION, PUBLIC INPUT, AND ACTION:

The Commission discussed evaluation criteria, interview questions, and the general process by which the Commission will select a new Director for the Department (pursuant to RCW 77.04.055, Commission—Duties[7]). Also discussed were final edits to a job description for the Department Director position.

Three people testified orally on the Department Director position description and the search process:

Jim Tuggle (Olympia)
Rob Zuanich (Seattle)
Bill Redman (Mercer Island)

Commissioner Orr moved, seconded by Commissioner Chew, to select the Department of Personnel Executive Careers for conducting the Director candidate search as recommended by the Commission's search committee, and including that the Commission Chair is authorized to sign an interagency agreement on behalf of the Commission for this specific purpose. The motion carried unanimously.

Commissioner Douvia moved, seconded by Commissioner Mahnken, to approve the 2009 Department Director position description as presented, pending alterations if deemed necessary by the Commission Chair following discussions with the Governor. The motion carried unanimously.

PROPOSED LAND TRANSACTIONS – DECISION:

Dan Budd presented three proposed land transactions for approval.

No one signed up to testify during this portion of the meeting.

Commissioner Douvia moved, seconded by Commissioner Perry, to approve as presented the following:

- Acquisition of the 2,675.2-acre Plum Creek Timberlands LP property in Kittitas County for \$3,275,000;
- Acquisition of portions of the 558-acre Mesa Lake Investments, Inc., property in Franklin County in phases; and
- Acceptance of the 3,816-acre Washington State Department of Transportation property in Cowlitz County.

The motion carried unanimously.

HUNTER EDUCATION TRAINING PROGRAM REQUIREMENTS – RULE ACTION:

Mik Mikitik presented proposed permanent rule amendments to WAC 232-12-227, Hunter education training program requirements, to ensure that only eligible hunter education graduates or individuals currently identified as hunting-license buyers may purchase a license. The Commission held a public hearing on the rule proposals at its March 6-7, 2009, meeting in Ellensburg. Action on this item was continued from the April 3-4, 2009, Commission meeting in Olympia to this meeting.

Commissioner Douvia moved, seconded by Commissioner Orr, to adopt the permanent amendments to WAC 232-12-227, Hunter education training program requirements, as proposed. The motion carried unanimously.

BALLAST WATER MANAGEMENT – RULE ACTION:

Allen Pleus presented proposed permanent ballast water regulations to implement 2008 Legislation (E2SSB 5923), which would reduce environmental impacts from non-indigenous species discharges of ballast water. The Commission held a public hearing on these rule proposals at its May 8-9, 2009, meeting in Olympia.

Commissioner Douvia moved, seconded by Commissioner Orr, to adopt the rule proposals as filed with the Code Reviser's Office and amended by staff:

WAC 220-150-010, Purpose, stakeholder consultation, and cooperative management;
WAC 220-150-020, Definitions;
WAC 220-150-030, Reporting forms, waivers, safety exemptions, and recordkeeping;
WAC 220-150-033, Vessel inspections;
WAC 220-150-035, Vessels carrying high risk ballast water;
WAC 220-150-037, Temporary compliance plans and alternative strategies;
WAC 220-150-040, Interim open sea exchange requirements;
WAC 220-150-043, Interim open sea exchange alternative;
WAC 220-150-050, Treatment requirements;
WAC 220-150-060, Treatment notification and promising treatment waiver process;
WAC 220-150-070, Ballast tank sediment; and
WAC 220-150-080, Penalties and enforcement.

Repealers:

WAC 220-77-090, Ballast water management and control—Reporting and sampling requirements; and
WAC 220-77-095, Interim ballast water discharge standard approval process.

The motion carried unanimously.

PUGET SOUND ROCKFISH STATUS – BRIEFING:

At the request of the Commission, Wayne Palsson briefed the Commission on rockfish populations in Puget Sound and the status of developing a recovery plan with long-term options for recovery and sustainable fisheries.

PROPOSED COMMISSION POLICY ON HATCHERY REFORM – BRIEFING AND PUBLIC TESTIMONY:

At the request of the Commission, Andy Appleby and Heather Bartlett briefed the Commission on a draft proposed Commission Policy on Hatchery Reform (C-3619) and received public testimony. The Commission will consider approval of a final policy at its July 10-11, 2009, meeting in Olympia.

Eight people testified on the proposed Commission Policy during this portion of the meeting:

Clint Muns (Shelton)
Lee Blankenship (Olympia)
John Barr (Olympia)
Mark Cedergreen (Westport)
Ed Wickersham (Vancouver)
Hobe Kytr (Astoria, Oregon)
Jim Wells (Astoria, Oregon)
Irene Martin (Skamokawa)

COMMERCIAL HAGFISH LOGBOOK SUBMISSION SCHEDULE – RULE BRIEFING AND PUBLIC HEARING:

Lorna Wargo briefed the Commission on proposed permanent rule amendments to WAC 220-88E-040, Hagfish pot trial fishery—Logbook required, that would require logbooks on a monthly, rather than quarterly basis, to more closely monitor the fishery. The Commission will consider final adopt of these rule amendments during its June 19, 2009, meeting via conference call.

No one signed up to provide oral testimony on the above proposed rule amendments during this portion of the meeting.

OPEN PUBLIC INPUT:

No one signed up to testify during this portion of the meeting.

MISCELLANEOUS:

Commissioners discussed the process for requesting staff work, and ideas for potential future requests.

Chair Wecker recessed the meeting at 4:15 p.m.

SATURDAY, JUNE 6

Chair Wecker called the meeting back to order at 8:31 a.m.

OPEN PUBLIC INPUT:

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

- Richard Lapinski (Lynnwood) – Master Hunter program
- Michael Whittaker (Quilcene) – Enforcement violations on Big Quilcene River
- Marianne Mitchell (Kirkland) – Steelhead Management Plan

RECREATIONAL LICENSE DEALER’S FEES FOR MIGRATORY BIRD WATCHING – RULE BRIEFING AND PUBLIC HEARING:

Don Kraege briefed the Commission on proposed permanent rule amendments to WAC 220-55-115, Recreational license dealer’s fees, that would help cover the costs associated with the hunter authorization program by allowing license dealers to collect a 50-cent fee for each authorization document issued. The Commission will consider adoption of these rule amendments at its July 10-11, 2009, Commission meeting in Olympia.

No one signed up to provide oral testimony on the above proposed rule amendments during this portion of the meeting.

COUGAR PILOT RULES – RULE BRIEFING AND PUBLIC HEARING:

Donny Martorello briefed the Commission on proposed permanent rule amendments to WAC 232-28-285, 2010 Pilot cougar hunting seasons with the aid of dogs, that would implement legislation (ESHB 2438, 2009 Legislature) extending the pilot for three years in the same five counties. The proposed amendments also included the addition of the one county that requested inclusion in the program. The Commission will consider adoption of these rule amendments at its July 10-11, 2009, Commission meeting in Olympia.

Two people testified orally on the above proposed rule amendments during this portion of the meeting:
Richard Lapinski (Lynnwood)
B.J. Thorniley (Republic)

PHEASANT RELEASE PROGRAM UPDATE – BRIEFING:

At the request of the Commission, Mick cope briefed the Commission on the status of the Department's pheasant release program and the potential for continuing the program in future years.

SUMMARY OF COMMISSION REQUESTS:

Commissioners reviewed the current list of Commission requests to the Department.

COMMISSION POLICY DECISIONS REVIEW:

Commissioners discussed the existing Commission Policy Decision documents and current relevance. The Committees will review policies and flag the most important for review later by the full Commission.

MISCELLANEOUS AND MEETING DEBRIEF:

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

Commissioner Orr moved, seconded by Commissioner Mahnken, to cancel the October 2-3, 2009, Commission meeting scheduled for Olympia. The motion carried unanimously.

Commissioners discussed possible agenda items for the August 6-7-8, 2009, Commission meeting in Colville.

Commissioner Perry will attend the 2009 WAFWA summer meeting in Newport Beach, California, July 10-15, 2009.

OPEN PUBLIC INPUT:

No one signed up to testify during this portion of the meeting.

EXECUTIVE SESSION:

The Commission went into Executive Session pursuant to RCW 42.30.110 to discuss the performance of a public employee or employees. The Executive Session was closed to the public and lasted 25 minutes. No action was taken during the Executive Session.

Chair Wecker adjourned the meeting at 12:20 p.m.

nb

DRAFT

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

Nancy Burkhart

**MEMOS AND AUTHORITIES FROM THE JUNE 5-6, 2009
FISH AND WILDLIFE COMMISSION MEETING, OLYMPIA**

- Approval of Minutes - Motion by Perry, second by Douvia, to approve the minutes of the following:
- December 12-13, 2008, Commission Meeting;
 - February 6-7, 2009, Commission Meeting;
 - April 24, 2009, Commission Special Meeting Via Conference Call;
 - May 1, 2009, Commission Meeting Via Conference Call; and
 - May 15, 2009, Commission Meeting Via Conference call.
- The motion to approve the minutes carried unanimously.** *
- Approval of Department Director Search Process and Position Description - Motion by Orr, second by Chew, to select the Department of Personnel Executive Careers for conducting the Director candidate search as recommended by the Commission's search committee, and including that the Commission Chair is authorized to sign an interagency agreement on behalf of the Commission for this specific purpose. **The motion carried unanimously.**
- Motion by Douvia, second by Mahnken, to approve the 2009 Department Director position description as presented, pending alterations if deemed necessary by the Commission Chair following discussions with the Governor. **The motion carried unanimously.**
- Approval of Land Transactions - Motion by Douvia, second by Perry, to approve as presented the following:
- Acquisition of the 2,675.2-acre Plum Creek Timberlands LP property in Kittitas County for \$3,275,000;
 - Acquisition of portions of the 558-acre Mesa Lake Investments, Inc., property in Franklin County in phases; and
 - Acceptance of the 3,816-acre Washington State Department of Transportation property in Cowlitz County.
- The motion carried unanimously.**
- Approval of Hunter Education Training Program Requirements Rules - Motion by Douvia, second by Orr, to adopt the permanent amendments to WAC 232-12-227, Hunter education training program requirements, as proposed. **The motion carried unanimously.**
- Approval of Ballast Water Management Rules - Motion by Douvia, second by Orr, to adopt the rule proposals as filed with the Code Reviser's Office and amended by staff:
- WAC 220-150-010, Purpose, stakeholder consultation, and cooperative management;
 - WAC 220-150-020, Definitions;
 - WAC 220-150-030, Reporting forms, waivers, safety exemptions, and recordkeeping;
 - WAC 220-150-033, Vessel inspections;
 - WAC 220-150-035, Vessels carrying high risk ballast water;
 - WAC 220-150-037, Temporary compliance plans and alternative strategies;

Approval of Ballast
Water Management
Rules (continued)

- WAC 220-150-040, Interim open sea exchange requirements;
- WAC 220-150-043, Interim open sea exchange alternative;
- WAC 220-150-050, Treatment requirements;
- WAC 220-150-060, Treatment notification and promising treatment waiver process;
- WAC 220-150-070, Ballast tank sediment; and
- WAC 220-150-080, Penalties and enforcement.

Repealers:

- WAC 220-77-090, Ballast water management and control—Reporting and sampling requirements; and
- WAC 220-77-095, Interim ballast water discharge standard approval process.

The motion carried unanimously.

October 2-3, 2009,
Commission
Meeting

- Motion by Orr, second by Mahnken, to cancel the October 2-3, 2009, Commission meeting scheduled for Olympia. **The motion carried unanimously.**

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

Commissioners in Attendance:

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
Conrad Mahnken
George Orr
Chuck Perry

MINUTES

FISH AND WILDLIFE COMMISSION MEETING via CONFERENCE CALL

June 19, 2009 – 8:30 a.m.
Olympia, Washington

ATTENDANCE:

Commission

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
David Jennings
Conrad Mahnken
George Orr
Chuck Perry
Brad Smith

Department

Phil Anderson, Interim Director
Joe Stohr, Deputy Director
Steve Pozzanghera, Wildlife Program
Margaret Ainscough, Public Affairs
Lorna Wargo, Fish Program
Andy Appleby, Fish Program
Sara LaBorde, Director's Office
Jo Wadsworth, Fish Program

Commission Staff:
Susan Yeager

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

COMMERCIAL HAGFISH LOGBOOK SUBMISSION SCHEDULE – RULE ACTION:

Lorna Wargo presented proposed permanent rule amendments to WAC 220-88E-040, Hagfish pot trial fishery—Logbook required, that would increase reporting to a monthly, rather than quarterly, basis for closer monitoring of the fishery. The Commission held a public hearing on the proposals at its June 5-6, 2009, Commission meeting in Olympia.

Commissioner Douvia moved, seconded by Commissioner Mahnken, to adopt the permanent rule amendments to WAC 220-88E-040, hagfish pot trial fishery—Logbook required, as proposed. The motion carried unanimously.

PROPOSED HATCHERY AND FISHERY REFORM POLICY – UPDATE:

As a follow-up to the June 5-6, 2009, Commission meeting, Andy Appleby briefed Commissioners on staff responses to public comment and the status of developing proposed revisions to the draft policy on hatchery and fishery reform (C-3619). The Commission plans to consider adoption of a final policy at its July 10-11, 2009, meeting in Olympia.

COUGAR HUNTING PILOT RULES – UPDATE AND DISCUSSION:

Steve Pozzanghera updated the Commission on the status of communications with local officials in northeastern Washington State. The Commission held a public hearing on the rule proposals at its June 5-6, 2009, meeting in Olympia. The Commission plans to consider adoption of the rule amendments at its July 10-11, 2009, meeting in Olympia.

OPERATIONS UPDATE, I-900 AUDIT RESULTS – BRIEFING:

Joe Stohr briefed the Commission on the results of the recently completed “Fish and Wildlife Motor Vehicle Performance Audit”, the first of four Department performance audits by the state Auditor in response to the passage of Initiative 900.

DEPARTMENT DIRECTOR POSITION CANDIDATE SEARCH UPDATE – DISCUSSION:

Commissioners discussed the current status of the Department director candidate search, including the search committee’s progress on developing interview questions.

GENERAL DISCUSSION:

Commissioners and Department staff discussed recent activities and items of interest, including: budget forecast and cost savings ideas.

Chair Wecker adjourned the meeting at 10:05 a.m.

nb

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

Nancy Burkhart

MINUTES

WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

July 10-11, 2009

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

ATTENDANCE:

Commission

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
David Jennings
Conrad Mahnken
George Orr
Rolland Schmitt
Brad Smith

Commission Staff:

Susan Yeager
Nancy Burkhart

Department

Phil Anderson, Interim Director
Joe Stohr, Deputy Director
Mike Cenci
Dan Budd
Cindy LeFleur
Kirt Hughes
Andy Appleby
Donny Martorello
Don Kraege
Sean Carrell
Sara Laborde
Heather Bartlett
Heather Reed
Bill Frymire, AGO
Joe Shorin, AGO
Bill Phillips
Dave Geiger
Other Department staff

Public

Dora Austin
Meghan Carter, WA State Senate Staff
Rod Judd, Governor's Office
John Wicklund
Emmett O'Connell, NW Indian Fisheries Commission
Clint Muns, Puget Sound Anglers--RFA
Greg Mueller, WA Trollers Assn.
Ryan Kinsey
Lee Barkie, Sportfishing Guides of WA
Mark Maker, Sportfishing Guides of WA
Dave Sychala
Rob Nowowiejski
Bryan Irwin, Coastal Conservation Assn.
Paul Sparks, WA Council of Trout Unlimited
Thomas Lines, Tightlines Sport Fishing
Gary Horton, Muscle Up Fishing Experience
Mike Sexton
Lee Blankenship
Jack Birke
Howard Mansfield
Jack Fale
Mike Kohn, Lewis County PUD
Dale Beasley, Col. R. Crab Fishermen Assn.
Scott Warter, Kick Ass Fishing Guide Service
Brett Bodenhamer
Clancy Holt
James Dart
David Wands
Mike Pallas
Don Kinsey
Jesse Kinsey
Audrey Ely, WA Dept. of Personnel
Anthony Cesario, WA Dept. of Personnel
Dennis Austin
Curt Gavigan, WA State Senate Staff

FRIDAY, JULY 10

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

APPROVAL OF MINUTES:

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

- **March 6-7, 2009, Commission Meeting; and**
- **April 17, 2009, Commission Meeting Via Conference Call.**

The motion to approve the minutes carried unanimously.

COMMISSIONERS' DISCUSSION:

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

DIRECTOR'S REPORT:

Interim Director Anderson reviewed significant Department issues and activities, including:
Ecotourism and GPO web page
Puget Sound Chinook Harvest Management Plan
Status of 2009 Goals and Objectives

OPERATIONS AND BUDGET UPDATE:

Deputy Director Stohr and Bill Phillips provided an update to the Commission on the Department's budget and operational issues, including:

- RIF update
- Budget
- CPAP progress

OPEN PUBLIC INPUT:

Fifteen people testified on issues of concern during this portion of the meeting:

- David Wands (Olympia) – Cowlitz River fishery
- Don Kinsey (Woodland) – Cowlitz River fishery
- Clancy Holt (Chehalis) – Cowlitz River fishery
- Lee Barkie (Chehalis) – Cowlitz River fishery
- Mark Maker (Toutle) – Cowlitz River fishery
- Mike Pallas (Chehalis) – Cowlitz River fishery
- Rob Nowowiejshi (Olympia) – Cowlitz River fishery
- Brian Irwin (Vancouver) – Puget Sound Chinook Management Plan
- Brett Bodenhamer (Chehalis) – Cowlitz River fishery

David Spychala (Silverdale) – Cowlitz River fishery
Lee Blankenship (Olympia) – Hatchery reform policy
Gary Horton (Tumwater) – Cowlitz River fishery
Mike Sexton (Toledo) – Cowlitz River fishery
Paul Sparks (Tenino) – Cowlitz River fishery
Scott Warter (Tacoma) – Cowlitz River fishery

PROPOSED LAND TRANSACTIONS – DECISION:

Dan Budd presented one proposed land transaction for approval.

Commissioner Chew moved, seconded by Commissioner Schmitten, to approve a 20-year agreement with Williams Pipeline to install underground cathodic protection for an existing pipeline in Kittitas County for \$10,000. The motion carried unanimously.

COUGAR PILOT PROGRAM REGULATIONS – RULE ACTION:

Donny Martorello presented proposed permanent rule amendments to WAC 232-28-285, 2010 Pilot cougar hunting seasons with the aid of dogs, that would implement legislation (ESHB 2438, 2009 Legislature) extending the pilot for three years in the same five counties. The proposed amendments also included the addition of the one county that requested inclusion in the program. The Commission held a public hearing on the proposals at its June 5-6, 2009, Commission meeting in Olympia.

Commissioner Orr moved, seconded by Commissioner Smith, to adopt the permanent amendments to WAC 232-28-285, 2009-2010 Pilot cougar hunting seasons with the aid of dogs, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.

RECREATIONAL LICENSE DEALER'S FEES FOR MIGRATORY BIRD HUNTING – RULE ACTION:

Don Kraege presented proposed permanent rule amendments to WAC 220-55-115, Recreational license dealer's fees, that would help cover the costs associated with the hunter authorization program by allowing license dealers to collect a 50-cent fee for each authorization document issued. The Commission held a public hearing on the proposals at its June 5-6, 2009, Commission meeting in Olympia.

Commissioner Douvia moved, seconded by Commissioner Schmitten, to adopt the permanent amendments to WAC 220-55-115, Recreational license dealer's fees, as proposed. The motion carried unanimously.

SPECIAL TRAPPING PERMITS – BRIEFING:

Sean Carrell briefed the Commission on special trapping permits issued to authorize the use of body-gripping traps.

DEER AND ELK DAMAGE CLAIMS – BRIEFING:

Sean Carrell briefed the Commission on the status of deer and elk damage claims and methods to reduce damage.

COMMISSION POLICY ON HATCHERY AND FISHERY REFORM – DECISION:

Andy Appleby and Heather Bartlett presented a proposed new Commission Policy on Hatchery and Fishery Reform (C-3619) for adoption by the Commission. The Commission held a public hearing on the proposal at its June 5-6, 2009, meeting in Olympia. A decision on this item was continued to the September 11-12, 2009, Commission meeting in Olympia, in order to allow more time for input from the public and co-managers of the resource.

COLUMBIA RIVER COMMERCIAL AND TRIBAL STURGEON FISHING REGULATIONS – RULE BRIEFING AND PUBLIC HEARING:

Cindy LeFleur briefed the Commission on proposed permanent rule amendments to WAC 220-29-020, General provisions—Lawful and unlawful acts—Food fish other than salmon, and WAC 220-32-057, Season—Sturgeon. These rule amendments would clarify definitions and change measurement criteria for commercial and tribal sturgeon fishing in joint Columbia River waters. The proposed amendments are consistent with co-management agreements and would improve enforceability of the regulations. The Commission will consider adoption of the permanent amendments at its August 21, 2009, Meeting Via Conference Call.

No one signed up to provide oral testimony on the above proposed rule amendments during this portion of the meeting.

COASTAL DUNGENESS CRAB REGULATIONS – RULE BRIEFING AND PUBLIC HEARING:

Heather Reed and Mike Cenci briefed the Commission on proposed permanent rule amendments to WAC 220-52-040, Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts, that are necessary in order to implement legislation passed during the 2009 Legislative session (ESHB 1516). The Commission will consider adoption of the permanent amendments at its August 21, 2009, Meeting Via Conference Call.

One person testified orally on the above proposed rule amendments during this portion of the meeting:
Dale Beasley (Ilwaco)

OPEN PUBLIC INPUT:

No one signed up to testify 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 Wecker recessed the meeting at 4:35 p.m.

SATURDAY, JULY 11

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

DEPARTMENT DIRECTOR SEARCH – STATUS UPDATE AND PUBLIC INPUT:

The Commission and Audrey Ely & Anthony Cesario (Washington Department of Personnel, Executive Careers) discussed the current status of the candidate search process and provided a review for new Commission members.

NEW COMMISSIONER ORIENTATION – OVERVIEW:

William Frymire (Senior Counsel, Office of the Attorney General) and Susan Yeager provided information, and Commissioners discussed various aspects of serving on the Fish and Wildlife Commission.

STATE ATTORNEY GENERAL'S OFFICE (AGO) – OVERVIEW:

Joe Shorin (Senior Assistant Attorney General) briefed the Commission on services provided to state agencies by the AGO.

ETHICS TRAINING FOR COMMISSION MEMBERS:

William Frymire (Senior Counsel, Office of the Attorney General) presented information and answered questions from Commissioners on the Ethics in Public Service Act, Chapter 42.52 RCW.

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

nb

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

Nancy Burkhart

**MEMOS AND AUTHORITIES FROM THE JULY 10-11, 2009
FISH AND WILDLIFE COMMISSION MEETING, OLYMPIA**

- Approval of Minutes - Motion by Mahnken, second by Douvia, to approve the minutes of the following:
- March 6-7, 2009, Commission Meeting; and
 - April 17, 2009, Commission Meeting Via Conference Call.
- The motion to approve the minutes carried unanimously.**
- Approval of Land Transaction - Motion by Chew, second by Schmitten, to approve a 20-year agreement with Williams Pipeline to install underground cathodic protection for an existing pipeline in Kittitas County for \$10,000. **The motion carried unanimously.**
- Approval of Cougar Pilot Program Rules - Motion by Orr, second by Smith, to adopt the permanent amendments to WAC 232-28-285, 2009-2010 Pilot cougar hunting seasons with the aid of dogs, as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Recreational License Dealer's Fees for Migratory Bird Hunting Rules - Motion by Douvia, second by Schmitten, to adopt the permanent amendments to WAC 220-55-115, Recreational license dealer's fees, as proposed. **The motion carried unanimously.**

Commissioners in Attendance:

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
David Jennings
Conrad Mahnken
George Orr
Rolland Schmitten
Brad Smith

MINUTES

FISH AND WILDLIFE COMMISSION MEETING via CONFERENCE CALL

July 17, 2009 – 8:30 a.m.
Olympia, Washington

ATTENDANCE:

Commission

Miranda Wecker, Chair
Gary Douvia, Vice Chair
David Jennings
Conrad Mahnken
Chuck Perry
Brad Smith

Department

Joe Stohr, Deputy Director
Jim Scott, Fish Program
Steve Pozzanghera, Wildlife Program
Pat Pattillo, Intergovernmental Program
Dan Budd, Wildlife Program
Margaret Ainscough, Public Affairs

Commission Staff:

Susan Yeager

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

PROPOSED LAND TRANSACTION – ACTION:

Dan Budd briefed the Commission on a proposed acquisition of a 201.1-acre property in Yakima County.

Commissioner Douvia moved, seconded by Commissioner Perry, to approve the acquisition of the 201.1-acre Thornton property in Yakima County for \$141,000. The motion carried unanimously.

PUGET SOUND CHINOOK MANAGEMENT PLAN OVERVIEW – BRIEFING:

Jim Scott and Pattillo provided an overview of the Puget Sound Chinook Management Plan in preparation for a more detailed presentation planned for the September 11-12, 2009, Commission meeting in Olympia.

COMMISSION COMMUNICATIONS – DISCUSSION:

Commissioners discussed ideas for strengthening its communications with Tribes, Legislators, and constituents.

GENERAL DISCUSSION:

Commissioners and Department staff discussed recent activities and items of interest, including Commissioner Perry's overview of his participation in the Western Association of Fish and Wildlife Agencies annual summer conference.

Chair Wecker adjourned the meeting at 10:03 a.m.

nb

DRAFT

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

Nancy Burkhart

MINUTES

FISH AND WILDLIFE COMMISSION SPECIAL MEETING via CONFERENCE CALL

July 29, 2009 – 8:30 a.m.
Olympia, Washington

ATTENDANCE:

Commission

Miranda Wecker, Chair
Gary Douvia, Vice Chair
Ken Chew
David Jennings
Conrad Mahnken
George Orr
Chuck Perry
Rollie Schmitten
Brad Smith

Commission Staff:
Susan Yeager

Department

Phil Anderson, Interim Director
Joe Stohr, Deputy Director

Public

Audrey Ely, WA Dept. of Personnel
Anthony Cesario, WA Dept. of Personnel

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

PUGET SOUND CHINOOK FISHERIES MANAGEMENT PLAN – UPDATE:

As a follow-up to the Commission's July 17, 2009, Meeting Via Conference Call, Phil Anderson provided a status update on the Puget Sound Chinook Management Plan.

DEPARTMENT DIRECTOR CANDIDATE SEARCH – UPDATE:

The Commission, along with Audrey Ely and Anthony Cesario (Washington Department of Personnel's Executive Careers) discussed the current status of the Department Director candidate search, including number of applications received and number of qualified candidates (six). They also reviewed results from a recent public survey, search process timeline, and potential interview questions.

EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(g), the Commission met in Executive Session to review employment applications for the Department Director position and to discuss the qualifications of specific applicants. The public was not permitted to attend the Executive Session. No final hiring decisions were made during the Executive Session.

Chair Wecker called the meeting back into public session, and Commissioners continued the discussion regarding the director search timeline. First-round interviews will be August 6, 2009, in Olympia.

Chair Wecker adjourned the meeting at 10:23 a.m.

nb

DRAFT

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

Nancy Burkhart