

# MINUTES

## WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

**ITEM A.**

FWC conf call  
March 19, 2010

August 21, 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  
Chuck Perry  
Rolland Schmitten

Commission Staff:  
Susan Yeager  
Nancy Burkhart

#### Department

Phil Anderson, Director  
Steve Pozzanghera  
Bill Tweit  
Heather Bartlett  
Tom Davis  
Margaret Ainscough  
Other Department staff

#### Public

William R. Higday, Sylvia Lake Country Club

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

### COASTAL DUNGENESS CRAB REGULATIONS – RULE ACTION:

Heather Bartlett presented proposed permanent rule amendments to WAC 220-52-040, Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts, that would implement 2009 legislation (ESHB 1516). The Commission held a public hearing on the proposed amendments during its July 10-11, 2009, meeting in Olympia.

**Commissioner Douvia moved, seconded by Commissioner Mahnken, to adopt the permanent amendments to WAC 220-52-040, Commercial crab fishery—Lawful and unlawful gear, methods, and other lawful acts, as proposed. The motion carried unanimously.**

### COLUMBIA RIVER COMMERCIAL AND TRIBAL STURGEON FISHING – RULE ACTION:

Bill Tweit presented proposed permanent rule amendments to WAC 220-20-020, General provisions—Lawful and unlawful acts—Food fish other than salmon, and WAC 220-32-057, Season—Sturgeon, that are consistent with co-management agreements and would improve enforceability of the regulations. The Commission held a public hearing on the proposed amendments during its July 10-11, 2009, meeting in Olympia.

**Commissioner Douvia moved, seconded by Commissioner Mahnken, to adopt the permanent amendments to WAC 220-20-020, General provisions—Lawful and unlawful acts—Food fish other than salmon, and WAC 220-32-057, Season—Sturgeon, as proposed. The motion carried unanimously.**

2010 DEPARTMENT REQUEST LEGISLATION – DECISION:

Tom Davis presented for approval the Department's proposed agency request legislation for the 2010 session. The Commission was briefed on the proposals at its August 7-8, 2009, meeting in Colville.

**Commissioner Douvia moved, seconded by Commission Chew, to approve the 2010 Department Request Legislation as presented. The motion carried unanimously.**

PETITION FOR RULE CHANGE – WAC 232-12-017, DELETERIOUS EXOTIC WILDLIFE – DECISION:

Steve Pozzanghera presented a citizen's petition to amend WAC 232-12-017, Deleterious exotic wildlife, regarding mute swans.

Because the Fish and Wildlife Commission is charged with protecting the state's native species, **Commissioner Orr moved, seconded by Commissioner Chew, to deny the petition to amend WAC 232-12-017, Deleterious exotic wildlife. The motion carried unanimously.**

PETITION FOR RULE CHANGE – WAC 232-28-291, SPECIAL HUNTING SEASON PERMITS – DECISION:

Steve Pozzanghera presented a citizen's petition to amend WAC 232-28-291, Special hunting season permits, regarding muzzleloader special hunting permits costs.

Because the Fish and Wildlife Commission agreed that the system does not cause an unreasonable cost, **Commissioner Schmitt moved, seconded by Commissioner Orr, to deny the petition to amend WAC 232-28-291, Special hunting season permits. The motion carried unanimously.**

GENERAL DISCUSSION:

Commissioners and Department staff discussed recent activities and items of interest, including: update on tribal comments on proposed Hatchery Reform Policy; Director search; Colville hatchery tour; licensing; Wolf Working Group; possible consolidation of natural resource agencies.

EXECUTIVE SESSION: The Executive Session was cancelled.

Chair Wecker adjourned the meeting at 10:58 a.m.

nb

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

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Nancy Burkhart

**MINUTES**

**WASHINGTON FISH AND WILDLIFE COMMISSION  
MEETING**

September 11-12, 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  
Chuck Perry  
Rolland Schmitt  
Brad Smith

Commission Staff:

Susan Yeager  
Nancy Burkhart

Department

Phil Anderson, Interim Director  
Joe Stohr, Deputy Director  
Bruce Bjork  
Steve Pozzanghera  
Dave Geoger  
Jo Wadsworth  
Pat Frazier  
Jennifer Quan  
Andy Appleby  
Heather Bartlett  
Sara Laborde  
Other Department staff

Public

Anthony Cesario, WA Dept. of Personnel  
Audrey Ely, WA Dept. of Personnel  
Frank Haw, Coastal Conservation Assn.  
David Graves, Nat'l Parks Cons. Assn.  
Rob Kavanaugh  
Dan Paul, Humane Society of U.S.  
Martha Jordan, The Trumpeter Swan Society  
Leonard Halverson  
Paul Sparks, WA Council of Trout Unlimited; Wild  
Steelhead Coalition  
Ginger Gumm, Wildlife Diversity Advisory Council  
Daniel Poleschook, Jr., WDAC  
Phil Eidenberg-Noppe  
Chuck Lennox, WDAC  
Michael Marsh, WDAC  
Joe Miles, WDAC  
Gina King, WDAC  
John Wicklund, CCA  
Sam Wright  
Kris Schoyen, WDAC  
Len Steinen, WDAC  
Dyche Kinder, Mountaineers  
Helen Engle, WDAC  
Cori Carlton, WDAC  
Mark LaRiviere, Tacoma Power  
Mike Kohn, Lewis County PUD  
Jerry Goddard  
Gary Sprague

**FRIDAY, SEPTEMBER 11**

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

APPROVAL OF MINUTES:

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

- **January 9, 2009, meeting via conference call;**
- **January 16, 2009, meeting via conference call;**
- **May 8-9, 2009, meeting; and**
- **May 28, 2009, special meeting via conference call.**

**The motion carried unanimously.**

COMMISSIONERS' DISCUSSION:

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

DIRECTOR'S REPORT:

Director Anderson reviewed significant Department issues and activities:

- North of Falcon fisheries
- Lower Columbia River selective fisheries
- Skokomish River sport fisher conduct
- Cougar removal update
- Department's strategic planning process

OPERATIONS AND BUDGET UPDATE:

Deputy Director Stohr provided an update to the Commission on the Department's budget and operational issues. Dave Geiger, Performance and Accountability Manager, provided an update on the Department's strategic plan.

OPEN PUBLIC INPUT:

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

- Frank Haw (Olympia) – Shad fishery
- David Graves (Seattle) – Wolf management
- Rob Kavanaugh (Olympia) - Grouse

2010 SUPPLEMENTAL BUDGET PROPOSAL – DECISION:

Joe Stohr presented for approval the Department's proposed 2010 Supplemental Budget Request. The Commission was briefed on the proposal during its August 7-8, 2009, meeting in Colville.

**Commissioner Schmitten moved, seconded by Commissioner Mahnken, to approve the Department's 2010 Supplemental Budget Request as presented. The motion carried unanimously.**

MASTER HUNTER PERMIT PROGRAM – RULE ACTION:

Chief Bruce Bjork presented proposed permanent amendments to WAC 232-12-073, Master hunter permit program, that would implement two new statutes as passed by the 2009 Legislature (SHB 1778). The Commission held a public hearing on the proposals at its August 7-8, 2009, meeting in Colville.

**Commissioner Smith moved, seconded by Commissioner Schmitten, to adopt the rule amendments to WAC 232-12-073, Master hunter permit program, as filed with the Code Reviser's Office and amended by staff. The motion carried unanimously.**

BAITING OF WATERFOWL – BRIEFING:

At the request of the Commission, Captain Chris Anderson and Charles "Corky" Roberts (Special Agent, U.S. Fish and Wildlife Service) briefed the Commission on regulations related to the practice of flooding corn ponds for waterfowl hunting.

**The Commission's Wildlife Subcommittee will review the practice of flooding corn ponds for baiting waterfowl; updates will be provided to the Commission at a future meeting.**

PROPOSED LAND EXCHANGE WITH DEPARTMENT OF NATURAL RESOURCES (DNR), PHASE I – PUBLIC HEARING & DECISION:

Jennifer Quan and Dan Budd briefed the Commission on results of a nearly three-year evaluation of exchanging properties with the Washington Department of Natural Resources to eliminate checkerboard ownership and allow each agency to better address its specific management goals. The exchange consists of approximately 5,100 acres in DFW lands for 9,000 acres of DNR lands, and is the first phase of the land exchange project.

No one signed up to provide oral testimony on the above proposal.

**Commissioner Perry moved, seconded by Commissioner Douvia, to approve Phase 1 of the land exchange of approximately 5,100 acres of DFW lands for 9,000 acres of DNR lands. The motion carried unanimously.**

PROPOSED LAND TRANSACTIONS – DECISION:

Dan Budd presented four proposed land transactions that would protect critical fish and wildlife habitat and provide public recreational opportunity:

No one signed up to provide oral testimony on the proposed land transactions.

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

- Acquisition of the 106-acre Lundgren Family Limited Partnership Conservation Easement Lowlands in Okanogan County for \$1,155,000;
- Acquisition of the 2,340.05-acre Worrel Ranch in Yakima County for \$1,713,800;
- Acquisition of the Phase II 1,729.25-acre Rustler's Gulch Syndicate LLC property in

**Pend Oreille County for \$5,715,651; and  
- Acceptance of the 120-acre Puget Sound Energy property in Kittitas County.  
The motion carried unanimously.**

**JOHNSON DEBAY’S SLOUGH GAME RESERVE BOUNDARY – RULE BRIEFING, PUBLIC HEARING & RULE ACTION:**

Steve Pozzanghera briefed the Commission on negotiations to resolve boundary issues at the Johnson Debay’s Slough Game Reserve and on proposed permanent rule amendments to WAC 232-16-800, Johnson/Debay’s Slough Game Reserve, that would clarify property lines.

Two people testified orally on the proposed rule amendments during this portion of the meeting.

- Martha Jordan (Everett)
- Leonard Halverson (Sedro-Woolley)

**Commission Jennings moved, seconded by Commissioner Smith, to direct Department staff to redefine the designated boundary line presented in red and green but not blue. The motion carried unanimously.**

**Commissioner Douvia moved, seconded by Commissioner Mahnken, to continue rule action on WAC 232-16-800, Johnson/Debay’s Slough Game Reserve, to the November 6-7, 2009, Commission meeting in Olympia. The motion carried unanimously.**

**COASTAL GROUND FISH FISHERIES STATUS – BRIEFING:**

As a follow-up to a staff briefing on Puget Sound rockfish at the June 5-6, 2009, Commission meeting in Olympia, Phil Anderson briefed the Commission on the status of coastal groundfish key stocks, fisheries management, and the Pacific Fishery management Council.

**OPEN PUBLIC INPUT:**

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

- Rob Kavanaugh (Olympia) – Grazing
- Martha Jordan (Everett) – Lead fishing tackle; Karelian bear dogs

Chair Wecker recessed the meeting at 4:29 p.m.

**SATURDAY, SEPTEMBER 12**

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

**OPEN PUBLIC INPUT:**

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

- Ed Wickersham (Vancouver) – Columbia River Compact
- Paul Sparks (Tenino) – Wild fish recovery
- Jerry Goddard (Olympia) – Sport fishing

COWLITZ RIVER FISHERIES MANAGEMENT – BRIEFING:

As a follow-up to comments received by the Commission at its July 11-12, 2009, meeting in Olympia, Pat Frazier briefed the Commission on the history, status, and future of fisheries management on the Cowlitz River.

PROPOSED COMMISSION POLICY ON HATCHERY REFORM – DECISION:

At the request of the Commission, Andy Appleby, Sara LaBorde, and Heather Bartlett briefed the Commission on updates to a draft proposed Commission Policy on Hatchery Reform (C-3619). The Commission held a public hearing on the proposal at its June 5-6, 2009, meeting in Olympia and postponed action to this meeting to allow staff to gather additional public comments on the proposal.

In order to allow time for additional comments on the proposal, **Commissioner Orr moved, seconded by Commissioner Mahnken, to continue a decision on Commission Policy on Hatchery Reform (C-3619) to the November 6-7, 2009, Commission meeting in Olympia. The motion carried unanimously.**

COMMISSION COMMITTEE REPORTS:

The Commissioners discussed activities of the various Commission committees.

SUMMARY OF COMMISSION REQUESTS:

**Commissioner Jennings moved, seconded by Commissioner Orr, to request the Department brief the Commission at its November 6-7, 2009, meeting in Olympia on the status of white sturgeon. The briefing is to include population status and the allocation process. The motion carried unanimously.** (Commissioner Chew was absent during discussion and vote on the motion.)

DEPARTMENT DIRECTOR SELECTION PROCESS – UPDATE:

The Commission – along with Audrey Ely and Anthony Cesario from the Department of Personnel Executive Careers – discussed the current status of the Director search.

EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(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.

DEPARTMENT DIRECTOR SELECTION – DECISION:

**Commissioner Mahnken moved, seconded by Commissioner Douvia, to offer the Department Director position to candidate #2. The motion failed.**

**Commissioner Orr moved, seconded by Commissioner Smith, to offer the Department Director position to candidate #1. The motion carried.**

Chair Wecker announced that Phil Anderson had been offered and accepted the Department Director position.

**Commissioner Douvia moved, seconded by Commissioner Perry, to recommend to Governor Chris Gregoire that the Department Director position's salary be \$141,000 annually. The motion carried unanimously.** (Commissioner Chew was absent during discussion and vote on the motion.)

PROPOSED 2010 COMMISSION MEETING CALENDAR – DISCUSSION:

Commissioner discussed its 2010 Commission meeting calendar. The Commission may adopt a final 2010 meeting calendar during its September 18, 2009, or October 16, 2009, conference call meetings or during its November 6-7, 2009, meeting in Olympia.

No one signed up to provide oral testimony on the 2010 Commission meeting calendar during this portion of the meeting.

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 adjourned the meeting at 4:15 p.m.

nb/sdy

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

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Nancy Burkhart

**MEMOS AND AUTHORITIES FROM THE SEPTEMBER 11-12, 2009  
FISH AND WILDLIFE COMMISSION MEETING, OLYMPIA**

- Approval of Minutes - Motion by Orr, second by Perry, to approve the minutes of the following:
- January 9, 2009, meeting via conference call;
  - January 16, 2009, meeting via conference call;
  - May 8-9, 2009, meeting; and
  - May 28, 2009, special meeting via conference call.
- The motion carried unanimously.**
- Approval of 2010 Supplemental Budget Request - Motion by Schmitt, second by Mahnken, to approve the Department's 2010 Supplemental Budget Request as presented. **The motion carried unanimously.**
- Approval of Master Hunter Permit Program Rules - Motion by Smith, second by Schmitt, to adopt the rule amendments to WAC 232-12-073, Master hunter permit program, as filed with the Code Reviser's Office and amended by staff. **The motion carried unanimously.**
- Approval of Land Exchange with Department of Natural Resources - Motion by Perry, second by Douvia, to approve Phase 1 of the land exchange of approximately 5,100 acres of DFW lands for 9,000 acres of DNR lands. **The motion carried unanimously.**
- Approval of Land Transactions - Motion by Jennings, second by Perry, to approve the following land transactions:
- Acquisition of the 106-acre Lundgren Family Limited Partnership Conservation Easement Lowlands in Okanogan County for \$1,155,000;
  - Acquisition of the 2,340.05-acre Worrel Ranch in Yakima County for \$1,713,800;
  - Acquisition of the Phase II 1,729.25-acre Rustler's Gulch Syndicate LLC property in Pend Oreille County for \$5,715,651; and
  - Acceptance of the 120-acre Puget Sound Energy property in Kittitas County.
- The motion carried unanimously.**

- Johnson DeBay's Slough Game Reserve Boundary - Motion by Jennings, second by Smith, to direct Department staff to redefine the designated boundary line as red and green but not blue. **The motion carried unanimously.**
- Motion by Douvia, second by Mahnken, to continue rule action on WAC 232-16-800, Johnson/Debay's Slough Game Reserve, to the November 6-7, 2009, Commission meeting in Olympia. **The motion carried unanimously.**
- Policy on Hatchery Reform - Motion by Orr, second by Mahnken, to continue a decision on Commission Policy on Hatchery Reform (C-3619) to the November 6-7, 2009, Commission meeting in Olympia. **The motion carried unanimously.**
- Commission Requests to the Department - Motion by Jennings, second by Orr, to request the Department brief the Commission at its November 6-7, 2009, meeting in Olympia on the status of white sturgeon. The briefing is to include population status and the allocation process. **The motion carried unanimously.\***
- Director Selection - Motion by Mahnken, second by Douvia, to offer the Department Director position to candidate #2. **The motion failed.**
- Motion by Orr, second by Smith, to offer the Department Director position to candidate #1. **The motion carried.**
- Motion by Douvia, second by Perry, to recommend to Governor Chris Gregoire that the Department Director position's salary be \$141,000 annually. **The motion carried unanimously.\***

\* Commissioner Chew was absent during discussion and vote.

Commissioners in Attendance:

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

**MINUTES****FISH AND WILDLIFE COMMISSION  
MEETING via CONFERENCE CALL**

September 18, 2009 – 8:30 a.m.  
Olympia, Washington

**ATTENDANCE:****Commission**

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

**Department**

Phil Anderson, Interim Director  
Joe Stohr, Deputy Director  
Steve Pozzanghera, Wildlife Program  
Craig Burley, Fish Program  
Jo Wadsworth, Fish Program  
Pat Michael, Fish Program  
Mick Cope, Wildlife Program

Commission Staff:  
Nancy Burkhart

Chair Wecker called the meeting to order at 8:33 a.m.

**2010-2012 PROPOSED SPORTFISH REGULATIONS – BRIEFING:**

Craig Burley briefed the Commission on the process and current status of the Department's 2010-2012 sportfish regulation proposals, including input received from citizen advisory groups and other stakeholders; followed by Commissioner questions and discussion.

The Commission will hold a public hearing at its December 4-5, 2009, meeting in Olympia. The Commission will consider adoption of the 2010-2012 sportfish rule proposal package at its February 5-6, 2010, meeting in Olympia.

**GENERAL DISCUSSION:**

Commissioners and Department staff discussed recent activities and items of interest, including: status of a performance audit, budget forecast and cost savings ideas. Joe Stohr will present results of the audit at a future Commission meeting.

Chair Wecker adjourned the meeting at 10:19 a.m.

nb

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

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Nancy Burkhart

**MINUTES****FISH AND WILDLIFE COMMISSION  
MEETING via CONFERENCE CALL**November 20, 2009 – 8:30 a.m.  
Olympia, Washington**ATTENDANCE:****Commission**Miranda Wecker, Chair  
Gary Douvia, Vice Chair  
David Jennings  
George Orr  
Chuck Perry  
Rolland Schmitten  
Brad Smith**Department**Phil Anderson, Interim Director  
Joe Stohr, Deputy Director  
Darren Friedel, Public AffairsCommission Staff:  
Susan Yeager

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

**2010 COMMISSION MEETING CALENDAR – DECISION:**

Commissioners and Department staff discussed dates and locations for its 2010 meeting calendar. A public hearing regarding 2010 meeting dates was held during the September 11-12, 2009, Commission meeting in Olympia. The Commission continued action on this item from the November 6-7, 2009, meeting in Olympia to this meeting.

**Commissioner Perry moved, seconded by Commissioner Smith, to set the Commission's 2010 meeting calendar as follows:**

**January 7-8-9, 2010, Olympia**  
**February 4-5-6, 2010, Olympia**  
**March 12-13, 2010, Olympia**  
**April 9-10, 2010, Spokane**❖  
**June 4-5, 2010, Leavenworth**❖  
**August 6-7, 2010, Olympia**  
**October 1-2, 2010, Bellingham**  
**December 2-3-4, 2010, Olympia**

**The motion carried unanimously.**

**Commissioner Schmitten moved, seconded by Commissioner Smith, to adopt the schedule of Commission conference call meetings for the 2010 meeting calendar as presented. The motion carried unanimously.**

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❖ *At its January 7-9, 2010, meeting, the Commission voted to change locations as follows: April 9-10, 2010, to Leavenworth, and June 4-5, 2010, to Spokane.*

COMMISSION COMMITTEE REPORTS:

Commissioners discussed activities of the various Commission committees. The Commission continued this item from its November 6-7, 2009, meeting in Olympia to this meeting.

SUMMARY OF COMMISSION REQUESTS:

Commissioners reviewed the current list of Commission Requests to the Department. The Commission continued this item from its November 6-7, 2009, meeting in Olympia to this meeting.

GENERAL DISCUSSION:

Commissioners and Department staff discussed recent activities and items of interest, including possible alternatives to the 2010 Commission meeting calendar.

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

nb

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

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Nancy Burkhart