

MINUTES

WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

December 2-3-4, 2010

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

ATTENDANCE

COMMISSION:

Gary Douvia, Vice Chair
Brad Smith
George Orr
Rollie Schmitt
Connie Mahnken
David Jennings
Ken Chew

COMMISSION STAFF:

Susan Galloway
Darlene Bartlett

DEPARTMENT STAFF:

Phil Anderson, Director
Joe Stohr, Deputy Director
Michelle Culver
Heather Bartlett
Pat Frazier
Sara LaBorde
Jeff Davis
Dan Budd
Cindy Le Fleur
Bill Tweit
Pat Pattillo
John Long
Dave Ware

Steve Pozzanghera
Sandra Jonker
Mike Cenci
Craig Burly
Rocky Beach
Heather Reed
Rich Childers
Jo Wadsworth
Nate Pamplin
Jim Scott
Darrin Friedel
Bill Frymire, AGO
Ann Larson
Guy Norman

PUBLIC:

Al Schmauder, Chambers
Clover Watershed
John McKinley
Don Williams, North Kitsap
Puget Sound Anglers
Jamie Glasgow, Wild Fish
Conservancy
Michael Grilliot
Jim Sutton
Beverly Kindblade
Barb Nichols
Robert Fehlen
Lyle Cabe, (CCA) Coastal
Conservation Assn.
Cindy Irwin
Linda Saundersogg
Megan Moskwa
Curt Gavigan
Ginny Ross, CCA
Harry Barber, CCA
Robert Kehoe

Davis Martin, PSA
Kenneth Unkrur, PSA
Mike Giger, PSA
Todd Schwartz, PSA
Ted Measor, PSA
Chris Johnson, PSA
Mike Bongi, PSA
Doug Myers, People for
Puget Sound
Pat Michael
Holly Davis
Gary Bodine
John McKay
Clint Muns, PSA
Laurence Bucklin, PSA
Bear Holmes, CCA
Kevin Lanier, PSA
Keith Johnson
Brian Allison, Puget Sound
Crab Assn (PSCA)
Cleveland Stockmeyer, PSCA

Jim Roberts, Eastside Audubon
Mary Dickinson, PSCA
Jeromy Jording, WAFPA
Russell Rogers, WAFPA
Michael Jamburetz
Ron Garner, PSA
Hans Mak
Darren Crookshanks, CRFPU
Kent Martin
Jim Wells
Robert Cunningham, Northwest
Treasure Supply
Laren Monson, WA Resource
Coalition (WRC)
William Thomas, WRC
Ryland Bovechop, Makah
Tribal Council
Charles, Hickey, CCA

THURSDAY, DECEMBER 2

Vice Chair Douvia called the meeting to order at 2:10 p.m.

1. RECREATIONAL FISHERY, ALBACORE TUNA – BRIEFING:

Michelle Culver presented to the Commission the results of the Pacific Fishery Management Council's decision relative to a recreational bag limit for albacore tuna.

2. OVERVIEW OF STATE HATCHERY SYSTEM, HISTORICAL CONTEXT AND LEGAL FOUNDATION – BRIEFING:

Heather Bartlett briefed the Commission on the history of fish hatcheries in Washington State, including co-management agreements and federal requirements for mitigation due to habitat loss or damage.

During the break, Director Anderson presented Commissioner Ken Chew with a plaque of recognition for his years of extraordinary, honorable and faithful service to the Fish and Wildlife Commission, the citizens, and the natural resources of the State of Washington.

3. COLUMBIA RIVER ALTERNATIVE FISHING GEAR PROJECT – BRIEFING:

Pat Frazier and Sara LaBorde gave an overview to the Commission on a process initiated in the fall of 2009 to investigate a variety of alternative commercial fishing gears and potential methods to maximize catch of hatchery-origin fish with minimum mortality to native salmon and steelhead on the Columbia River. This item was postponed from the August 5, 2010, Commission special meeting in Olympia.

4. HYDRAULIC PERMIT MANAGEMENT SYSTEM PILOT – BRIEFING:

Jeff Davis briefed the Commission on results of a collaborative project with seven tribes to test a new online tool designed to improve access to information about Hydraulic Project Approval projects.

Vice Chair Douvia recessed the meeting at 4:55 p.m.

FRIDAY, DECEMBER 3

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

5a. APPROVAL OF MINUTES:

Commissioner Jennings moved, seconded by Commissioner Smith, to approve the minutes of the November 5 and November 19, 2010, conference call meetings as presented. The motion carried unanimously.

5b. COMMISSIONERS' DISCUSSION:

Commissioners discussed recent activities and items of general interest.

5c. DIRECTOR'S REPORT:

Director Anderson reviewed significant Department issues and activities, including:

- Revenue ideas
- Rule-making moratorium
- Wolf management update

5d. OPERATIONS AND BUDGET UPDATE:

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

6. OPEN PUBLIC INPUT:

The following individuals testified on issues of concern during this portion of the meeting:

- Jim Sutton (Spokane) – Lighted nocks
- Michael Marsh (Seattle) – HCP process, livestock grazing
- Beverly Kindblake (Seattle) – Baby Island duck hunting issues
- Barb Nichols (Whidbey Island) –Petition signatures from Baby Island residents
- Harry Barber (Washougal) – Summer Chinook fishery
- Ginny Ross (Portland, OR) – Summer Chinook fishery
- Lyle Cabe (Vancouver) – White Sturgeon comments & green sturgeon management
- Robert Fehlen (Washougal) – Sturgeon conservation
- Cindy Irwin (Lacey) – Wolves & wolf management
- Jamie Glasgow (Olympia) – Hatchery recommendations

7. PROPOSED LAND TRANSACTIONS – DECISION:

Dan Budd presented to the Commission for approval two land transactions recommended by the Department for the protection of critical fish and wildlife habitat, to provide public recreational opportunity and address responsible property management.

- Acquisition of a 18.55-acre property in Okanogan County; and
- Acquisition of a 9.98-acre property in Okanogan County.

No public signed up to testify on the proposals during this portion of the meeting.

Commissioner Jennings moved, seconded by Commissioner Perry, to approve the land transactions as presented. The motion carried unanimously.

8. COLUMBIA RIVER SUMMER CHINOOK FISHERY POLICY – BRIEFING:

Cindy Le Fleur and Bill Tweit provided outcomes to the Commission on the Summer Chinook Summit and presented potential updates for Commission Policy C-3618. A public hearing on proposed policy updates is scheduled for the January 7-8, 2011, Commission meeting in Olympia. The Commission will consider adoption of policy updates at its February 4-5, 2011, meeting in Olympia.

9. 2011 NORTH OF FALCON FISHERY POLICY UPDATE – BRIEFING:

Pat Pattillo and John Long briefed the Commission on the current status of preparations for the upcoming North of Falcon process. The Commission will hold a public hearing on proposed updates to Policy C-3608 at its January 7-8, 2011, meeting in Olympia and consider adoption of 2011 policy updates at its February 4-5, 2011, meeting in Olympia.

10. COLUMBIA RIVER WHITE STURGEON MANAGEMENT POLICY UPDATES – BRIEFING & PUBLIC HEARING:

Cindy Le Fleur, Bill Tweit and Brad James provided information to the Commission on proposed updates to Policy C-3001, Lower Columbia Sturgeon Management. The Commission will consider adoption of an updated policy at its January 7-8, 2011, meeting in Olympia.

Four individuals provided oral testimony on the above rule proposals during this portion of the meeting:

- Hans Mak (Shelton)
- Darren Crookshanks (Longview)
- Kent Martin (Skamokawa)
- Jim Wells (Astoria, OR)

11. MULTIPLE SEASON BIG GAME PERMIT LEVELS – RULE BRIEFING, PUBLIC HEARING & RULE ACTION:

Dave Ware briefed the Commission on proposed amendments to WAC 232-28-294, multiple season big game permits, which would simplify the regulations and add two more names to the drawing.

Commissioner Jennings moved, seconded by Commissioner Mahnken, to approve the amendments as presented by staff. The motion carried unanimously.

12. “UNDERSTANDING PEOPLE IN PLACES” SURVEY REPORT – BRIEFING:

Steve Pozzanghera and Sandra Jonker presented to the Commission draft results from a survey conducted in collaboration with Colorado State University researchers as part of multi-agency effort to broaden understanding of public perception relating to access, services, and management of fish and wildlife resources.

OPEN PUBLIC INPUT:

No public signed up to testify during this open public input portion of the meeting.

Vice Chair Douvia recessed the meeting at 4:43 p.m.

SATURDAY, DECEMBER 4

Vice Chair Douvia called the meeting back to order at 8:02 a.m.

13. OPEN PUBLIC INPUT:

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

14. REMOVAL OF MINERALS, WOOD AND ARTIFACTS FROM DEPARTMENT LANDS – RULE BRIEFING & PUBLIC HEARING:

Mike Cenci briefed the Commission on proposed amendments to WAC 232-12-251 Removal of minerals, wood and artifacts from department lands. The Commission is scheduled to consider adoption of permanent amendments at its January 7-8, 2011, meeting in Olympia.

One individual provided oral testimony on this item during this portion of the meeting:

- William Thomas (Mt. Vernon)

Commissioner Schmitt moved, seconded by Commissioner Perry, to continue this item to the March 4-5, 2011, Commission meeting in Spokane. The motion carried unanimously.

15. BUYING OR SELLING GAME – RULE BRIEFING & PUBLIC HEARING:

Mike Cenci briefed the Commission on proposed amendments to WAC 232-12-071, Buying or selling game unlawful–Game-farmed meat exception, which would specifically prohibit trafficking edible parts of wild game animals. Following discussion, it was determined staff needs more time to refine the proposals and gather public input on this topic.

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

Commissioner Schmitt moved, seconded by Commissioner Smith, to continue this item to the February 4-5, 2011, Commission meeting in Olympia. The motion carried unanimously.

16. LEAD FISHING TACKLE RESTRICTIONS ON 13 LAKES WITH LOONS – RULE ACTION:

Craig Burley and Rocky Beach presented to the Commission proposed permanent amendments to WAC 232-28-619, Washington food fish and game fish–Freshwater exceptions to statewide rules, that would ban the use of lead fishing gear on 13 lakes. The Commission held a public hearing on the proposals at its October 1-2, 2010, meeting.

Commissioner Jennings moved, seconded by Commissioner Orr, to adopt the rule amendments as presented and including staff changes shown on slide #9 of the presentation. The motion carried unanimously.

17. SPORTFISHING REGULATIONS, MINOR CYCLE AMENDMENTS – RULE BRIEFING & PUBLIC HEARING:

Craig Burley presented to the Commission proposed amendments to sportfishing regulations that are housekeeping in nature and/or necessary for conservation of the resource. The

Commission will consider adoption of permanent amendments at its February 4-5, 2011, meeting in Olympia.

- WAC 220-55-160, Free fishing weekend;
- WAC 220-55-220, Two pole endorsement;
- WAC 220-55-230, Columbia River endorsement;
- WAC 220-56-240, Daily limits forage fish and other food fish not otherwise provided for;
- WAC 220-56-270, Smelt - Areas and seasons; and
- WAC 232-28-619, Washington food fish and game fish—Freshwater exceptions to statewide rules.

To implement Executive Order 10-06 Suspending Non-Critical Rule Development and Adoption, **Commissioner Schmitt moved, seconded by Commissioner Chew, to stop rule making on specific portions of the proposal as presented by staff. The motion carried unanimously.**

18. PUGET SOUND CRAB FISHERY MANAGEMENT — RULE BRIEFING & PUBLIC HEARING:

Rich Childers updated the Commission on proposed changes to WAC 220, 56-330, Crab--areas and seasons, to implement Commission Policy C-3609, Puget Sound Crab, approved at the October 1-2, 2010, meeting in Olympia. The Commission will consider adoption of permanent rule amendments at its February 4-5, 2011, meeting in Olympia.

Seven individuals provided oral testimony on the above rule proposals during this portion of the meeting:

- Brian Allison (Oak Harbor)
- Cleveland Stockmeyer (Seattle)
- Vinton Waldron (Oak Harbor)
- Mary Dickinson (Bellingham)
- Ron Garner (Monroe)
- Kevin Lanier (Edmonds)
- John McKay (Brinnon)

19. PUGET SOUND COMMERCIAL FISHING REGULATIONS – RULE BRIEFING & PUBLIC HEARING:

Craig Burley briefed the Commission on proposed amendments to commercial fishing regulations for Puget Sound commercial bottom fish, forage fish and shrimp fisheries that would reduce impacts to populations of rockfish in Puget Sound. The Commission will consider adoption of final amendments at its February 4-5, 2011, meeting in Olympia.

- WAC 220-48-005 Puget Sound bottomfish—General provisions;
- WAC 220-48-011 Beam trawl and otter trawl—Gear;
- WAC 220-48-013 Beam trawl and otter trawl logbooks;
- WAC 220-48-015 Beam trawl and otter trawl—Seasons;
- WAC 220-48-016 Pelagic trawl—Gear—Licensing;
- WAC 220-48-017 Pelagic trawl—Seasons;
- WAC 220-48-028 Set net—Dogfish—Gear;
- WAC 220-48-029 Set net—Dogfish—Seasons;
- WAC 220-48-031 Set line—Gear;
- WAC 220-48-032 Set line—Seasons;
- WAC 220-48-041 Commercial jig—Gear;
- WAC 220-48-051 Troll lines--Bottomfish—Gear;
- WAC 220-48-052 Bottomfish troll—Seasons;
- WAC 220-48-062 Drag seines—Seasons;
- WAC 220-48-071 Bottomfish pots—Gear and seasons;
- WAC 220-49-012 Herring, anchovy and smelt fishing—Purse seine;
- WAC 220-49-020 Herring and anchovy—Seasons—Lawful gear—Purposes;
- WAC 220-52-069 Scallop fishery—Puget Sound.

Five individuals provided oral testimony on the above rule proposals during this portion of the meeting:

- Bear Holmes (Kent)
- Ron Garner (Monroe)
- Keith Johnson (Bellingham)
- Robert Kehoe (Seattle)
- Doug Myers (Yelm)

To implement Executive Order 10-06 Suspending Non-Critical Rule Development and Adoption, **Commissioner Schmitt moved, seconded by Commissioner Mahnken, to stop rule making on the specific elements** of the proposal as presented by staff. The motion carried unanimously.**

**Specifically: WAC 220-48-041 Commercial jig—Gear;
WAC 220-48-051 Troll lines—Bottomfish—Gear;
WAC 220-48-052 Bottomfish troll—Seasons;
WAC 220-48-062 Drag seines—Seasons;
WAC 220-49-012 Herring, anchovy and smelt fishing—Purse seine; and
WAC 220-49-020 Herring and anchovy—Seasons—Lawful gear—Purposes.

20. ALTERNATIVES TO EXISTING BOTTOMFISH MANAGEMENT REGULATIONS IN CATCH AREA 4:

At the request of the Commission, Heather Reed and Craig Burley presented options for amending bottomfish regulations that would enhance the quality of consumptive and non-consumptive recreational opportunities in Marine Area 4 east of the Bonilla-Tatoosh Line and protect species of bottomfish recently added to the federal Endangered Species List. The Commission will consider final adoption of permanent rule amendments at its February 4-5, 2011, meeting in Olympia.

WAC 220-16-890 *through* WAC 220-16-950 (new sections);
WAC 220-20-100 General provisions—Marine protected areas; and
WAC 220-56-235 Possession limits—Bottomfish.

Eight individuals provided oral testimony on the above rule proposals during this portion of the meeting:

- Michael Jamboretz (Duvall)
- Kevin Lanier (Edmonds)
- Ron Garner (Monroe)
- Laurence Bucklin (University Place)
- Gary Bodine (Buckley)
- Bear Holmes (Kent)
- Doug Meyers (Yelm)
- Jamie Glasgow (Duvall)

21. OPEN PUBLIC INPUT:

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

- Jeremy Jording (Olympia) – Vice President of the WA Assn of Fish & Wildlife Professionals, staff cuts and pay compared to other agencies.
- Clint Muns (Shelton) – Puget Sound Anglers, natural resources management.

22. DIRECTOR'S PERFORMANCE AGREEMENT – DECISION:

The Commission and Director discussed updates to the performance agreement between the Commission and Department Director.

Commissioner Jennings moved, seconded by Commissioner Mahnken, to approve the Performance Agreement draft dated November 9, 2010, as the operating agreement between the Director and the Commission. The motion carried unanimously. (Commissioners Smith and Chew were absent for the discussion and vote.)

23. MISCELLANEOUS AND MEETING DEBRIEF:

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

Vice Chair Douvia adjourned the meeting at 3:52 p.m.

db & sdg

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

Darlene Bartlett

Susan Galloway