

MINUTES

WASHINGTON FISH AND WILDLIFE COMMISSION MEETING

April 8-9, 2011

Natural Resources Building
1111 Washington St SE
First Floor, Room 172
Olympia, Washington

ATTENDANCE

COMMISSION:

Miranda Wecker, Chair
Gary Douvia, Vice Chair
David Jennings
Rollie Schmitten
Connie Mahnken
Chuck Perry
Brad Smith

COMMISSION STAFF:

Susan Galloway
Darlene Bartlett

DEPARTMENT:

Phil Anderson, Director
Joe Stohr, Dep. Director
Dan Budd
Dennis Beich
Heather Reed
Craig Bartlett
Nate Pamplin
Dave Ware
Jerry Nelson
Donny Martorello

Mick Cope
Jim Scott
Jo Wadsworth
Craig Burley
Bill Phillips
Glenn Gerth
Kathy Cody
Wayne Palsson
Bill Frymire, AGO

PUBLIC:

Walt Christensen
Ken Miller & Scotty
Heather Reed
Georg Ziegltrum,
WA Forest Protection Assn
Linda Saunders
Debra Welsh
Richard Champlin
Tom Banse, KUOW

Doug Myers,
People for Puget Sound
Karen Myers
Brian Seiter
Al Schmauder
Betsy Lyons
Steve Hulbert
Dale Sharp

FRIDAY, APRIL 8, 2011

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

1a. APPROVAL OF MEETING MINUTES:

Commissioner Jennings moved, seconded by Commissioner Perry, to approve minutes as presented and including corrections as discussed:

- **October 1-2, 2010, meeting;**
- **February 18, 2011, conference call; and**
- **March 18, 2011, conference call.**

Commissioner Schmitt abtained from voting on the March 18 conference call minutes, because he was not present at that meeting. The motion carried.

1b. COMMISSIONERS' DISCUSSION:

Commissioners discussed recent activities and items of general interest, including:

- Enforcement Officer of the Year Award
- Hunting, Responsive Management
- High school student project on white-tailed deer

1c. DIRECTOR'S REPORT:

Director Anderson reviewed significant Department issues and activities, including:

- Spring Chinook fishery, Lower Columbia River
- Winter sturgeon fishery
- Razor clam management
- Lake Tahuya
- Wolf pack status, wolves
- North of Falcon fishery
- Fall Chinook fishery

1d. LEGISLATIVE UPDATE:

Director Anderson reviewed the current status of legislation related to the conservation and management of fish and wildlife resources in Washington State.

1e. OPERATIONS AND BUDGET UPDATE:

Deputy Director Stohr briefed the Commission on the current status of the Department's budget and reviewed the state budget forecast process.

2. OPEN PUBLIC INPUT:

The following individuals provided testimony on items of interest or concern during this portion of the meeting:

- Dale Sharp (Renton), archery hunts and equipment
- Ken Miller (Olympia), bear damage on forest land
- Deborah Welsh (Oak Harbor), Commercial crab industry
- Richard Champlin (Seattle), Spring bear damage hunt, conservation and biodiversity

3. PROPOSED LAND TRANSACTIONS – DECISION:

Dan Budd presented the Department's proposed land transactions for protection of critical fish and wildlife habitat and enhanced public recreational opportunities to the Commission for consideration:

- acquisition of 55.81 acres in Wahkiakum County
- acquisition of 33.54 acres in Okanogan County
- acquisition of 230.66 acres in Okanogan County
- acquisition of 40 acres in Okanogan County
- acquisition of 92.43 acres in Okanogan County
- lease/purchase of 120 acres of WDNR land in Whatcom County; and
- lease/purchase of 2,543 acres of WDNR land in Chelan County

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

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

4. COMMERCIAL SHELLFISH POT GEAR ESCAPE MECHANISMS – RULE BRIEFING & PUBLIC HEARING:

Heather Reed briefed the Commission on proposed amendments to WAC 220-52-035, Commercial shellfish pot gear-escape mechanism required, that would help ensure escape mechanisms work as intended. The Commission will consider adoption of permanent amendments to this rule at its April 15, 2011, conference call meeting.

No one signed up to testify on this topic during this portion of the agenda.

5. BALD EAGLE PROTECTION – RULE ACTION:

Greg Schirato briefed the Commission on proposed amendments to WAC 232-12-292, Bald eagle protection rules, which would remove the requirement for a Bald Eagle Management Plan unless the bald eagle is federally or Washington State listed as endangered or threatened, and also shift responsibility for bald eagle management to the U.S. Fish and Wildlife Service. The Commission held a public hearing on the proposals at its March 4-5, 2011, meeting in Spokane.

Commissioner Douvia moved, seconded by Commissioner Jennings, to adopt permanent amendments to WAC 232-12-292, Bald eagle protection rules, as presented. The motion carried unanimously.

6. PUBLIC CONDUCT ON PRIVATE LANDS UNDER COOPERATIVE AGREEMENT–UNLAWFUL ACTIONS – RULE ACTION:

Mick Cope briefed the Commission on proposed amendments to WAC 232-13-160, Public conduct on private lands under cooperative agreement with the Department-Unlawful Acts, creating a new section to allow enforcement of private lands access rules that are mutually

agreed to by the landowner and the Department. The Commission held a public hearing on the proposals at its March 4-5, 2011, meeting in Spokane.

Commissioner Douvia moved, seconded by Commissioner Jennings, to adopt permanent amendments to WAC 232-13-160, Public conduct on private lands under cooperative agreement with the Department—Unlawful Acts, as presented. The motion carried unanimously.

7. LANDOWNER HUNTING PERMITS – RULE ACTION:

Mick Cope briefed the Commission on proposed amendments to WAC 232-28-295, Landowner hunting permits, which would help increase hunter access and address damage issues. The Commission held a public hearing on the proposals at its March 4-5, 2011, meeting in Spokane.

Commissioner Douvia moved, seconded by Commissioner Smith, to adopt permanent amendments to WAC 232-28-295, Landowner hunting permits, as presented. The motion carried unanimously.

8. SPRING BLACK BEAR SEASONS AND REGULATIONS – RULE ACTION:

Donny Martorello briefed the Commission on proposed amendments to WAC 232-28-286, 2010, 2011, and 2012 Spring black bear seasons and regulations, to help increase hunter access and address damage issues. The Commission held a public hearing on the proposals at its March 4-5, 2011, meeting in Spokane. Staff recommended an effective date of June 16, 2011.

Commissioner Douvia moved, seconded by Commissioner Schmitten, to adopt permanent amendments to WAC 232-28-286, 2010, 2011, and 2012 Spring black bear seasons and regulations, as presented and with the effective date of June 16, 2011. The motion carried.

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

Donny Martorello briefed the Commission on proposed amendments to WAC 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas. The Commission held a public hearing on the proposals at its March 4-5, 2011, meeting in Spokane.

Commissioner Douvia moved, seconded by Commissioner Schmitten, to adopt permanent amendments to WAC 232-28-273, 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas, as presented. The motion carried unanimously.

10. BOUNDARY REGULATIONS, GAME MANAGEMENT UNITS (GMU'S) – RULE ACTION:

Jerry Nelson briefed the Commission on proposed amendments to game management unit boundary regulations for the purpose of simplifying descriptions, reducing verbiage, updating road names and closing known gaps. The Commission held a public hearing on the proposals at its March 4-5, 2011, meeting in Spokane.

Commissioner Douvia moved, seconded by Commissioner Jennings, to adopt permanent amendments to:

WAC 232-28-331 Game management units (GMUs) boundary descriptions – Region one;
WAC 232-28-332 Game management units (GMUs) boundary descriptions – Region two;
WAC 232-28-333 Game management units (GMUs) boundary descriptions – Region three;
WAC 232-28-334 Game management units (GMUs) boundary descriptions – Region four;
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 presented. The motion carried unanimously.

11. DEER GENERAL SEASONS AND DEER AND ELK SPECIAL PERMIT REGULATIONS – RULE ACTION:

Jerry Nelson briefed the Commission on proposed amendments to deer general seasons and deer and elk special permit regulations to address crop and property damage problems, changes in population levels due to environmental conditions or disease outbreaks and to balance harvest levels with established population objectives. The Commission held a public hearing on the proposals at its March 4-5, 2011, meeting in Spokane.

Commissioner Schmitten moved, seconded by Commissioner Perry, to adopt permanent amendments to:

WAC 232-28-351, 2009-2011 Deer General seasons and definitions;
WAC 232-28-355, 2011 Deer special permits; and
WAC 232-28-356, 2011 Elk Special Permits;

as presented and including a four-point minimum antler restriction for white-tailed deer in GMUs 117 and 121, depicted as "[Option 1](#)" in the proposed rule language. The motion carried.

12. OPEN PUBLIC INPUT:

No one signed up to testify on items of interest/concern during this portion of the meeting.

U.S. FISH AND WILDLIFE SERVICE WOLF DELISTING:

Prior to the start of the Executive Session, Joe Shorin and Bill Frymire briefed the Commission on a recent proposed settlement agreement in Defenders of Wildlife v. Salazar (Dist. Court, D. Montana 2011), in which several plaintiffs contested the U.S. Fish and Wildlife Service's action to delist wolves in the Northern Rocky Mountain Region.

EXECUTIVE SESSION:

Pursuant to RCW 42.30.110(1)(i), Chair Wecker convened an executive session for the Commission to discuss with legal counsel representing the agency litigation or potential litigation to which the agency is, or is likely to become, a party. She indicated the session would end by 5:30 p.m. The public was not permitted to attend the executive session. The executive session lasted 65 minutes.

Chair Wecker called the meeting back into public session and recessed at 5:20 p.m.

SATURDAY, APRIL 9, 2011

Chair Wecker resumed the meeting at 8:30 a.m.

13. OPEN PUBLIC INPUT:

The following individuals provided oral testimony on items of interest/concern during this portion of the meeting:

- Doug Myers (Yelm) – People for Puget Sound, forage fish restoration, HPA's
- Brian Seiter (Steilacoom) – Chambers Creek and Bay; signage for no-fishing areas
- Al Schmauder (Olympia) – Chambers Creek no-fishing signage

14. CAPITAL PROGRAM ACTION PLAN UPDATE – BRIEFING:

Bill Phillips briefed the Commission on the status of the Capital Program Action Plan and progress on responses to the "Berk Report," including top priority projects, project management and cost accounting developments.

15. ESTUARY AND SALMON RESTORATION PROGRAM – BRIEFING:

Betsy Lyons briefed the Commission on the activities of the Estuary and Salmon Restoration Program, which was created by the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP). The Commission heard a briefing on PSNERP during the August 5, 2010, Commission special meeting in Olympia.

16. PUGET SOUND FORAGE FISH UPDATE – BRIEFING:

Wayne Palsson briefed the Commission on forage fishes in Puget Sound, including the current Commission Forage Fish Management Policy ([C-3012](#)), status of forage fish stocks for principal species, spawning habitat mapping and protection efforts, fisheries management and current threats and concerns. A briefing on coastal forage fish is scheduled for the June 3-4, 2011, Commission meeting in Olympia.

17. SUMMARY OF COMMISSION REQUESTS:

Director Anderson reviewed with Commissioners the current status of Commission requests to the Department and discussed updates. No new Commission requests were submitted at this time.

18. COMMISSION COMMITTEE REPORTS:

Commissioners discussed recent activities of various Commission committees.

19. OPEN PUBLIC INPUT:

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

20. PREPARATION FOR ANNUAL MEETING WITH THE GOVERNOR:

Chair Wecker asked Commissioners to think about potential topics for discussion in preparation for further discussion at the May 6, 2011, conference call meeting.

21. MISCELLANEOUS AND MEETING DEBRIEF:

Commissioners discussed items that arose after the agenda was published, including revising its current procedure for reviewing the Department's proposed agency request legislation for approval and submittal to the Governor's Office. This discussion may continue at a future meeting.

Chair Wecker adjourned the meeting at 12:30 p.m.

These minutes plus the audio recordings constitute the full minutes.

Susan Galloway

DRAFT – for Commission review