

**10. GAME FARM RESERVES AND WATERFOWL CLOSURES – RULE BRIEFING AND PUBLIC HEARING**

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## “GREEN SHEET”

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**Meeting:** June 3-4, 2011

**Agenda Item 10:** Game Farm Reserves and Waterfowl Closures – **Rule Briefing and Public Hearing**

**Prepared By:** Don Kraege

**Presented By:** Don Kraege, Waterfowl Section Manager, Wildlife Program

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**Background:**

Department staff will brief the Commission on the proposed amendments to WAC 232-16-700 Swinomish Spit Game Reserve and the proposed repeal of WAC 232-16-130 Ellensburg Game Farm Reserve and WAC 232-16-360 South Tacoma Game Farm Reserve.

Game reserves are defined in RCW 77.08.010 as closed areas where hunting for all wild animals and wild birds is prohibited. The Department periodically reviews the list of game reserves currently in place, some of which were originally established by county game commissions in the early 1900s.

The Swinomish Spit Game Reserve was established on approximately 1,600 acres on the south shore of Padilla Bay (Skagit County) in 1984 to benefit brant geese. Maintaining open water boundary markers for this reserve in the intertidal environment of Padilla Bay has been a challenge in the past, and recently one of the navigation channel markers used in the boundary description was relocated. The Department is proposing to clarify and update the boundary description for this reserve with GPS locations, referring to new sign locations posted on Padilla Bay.

The Ellensburg Game Farm Reserve was established in 1935 and the South Tacoma Game Farm Reserve was established in 1947 to prohibit hunting around active pheasant rearing facilities operated by the Department. These game farms have been closed for almost 30 years, but the reserve designations have remained in place since that time. The Ellensburg Game Farm property is no longer in WDFW ownership, but the South Tacoma Game Farm property is currently managed as part of the South Puget Sound Wildlife Area. The Department is proposing to repeal these reserve rules in an effort to update the current game reserve list.

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**Policy Issue(s) you are bringing to the Commission for consideration:**

Updating the current list of game reserves and improving boundary descriptions.

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**Public involvement process used and what you learned:**

Notification was mailed to approximately 600 organizations and individuals, including landowners within the Ellensburg Game Farm Reserve and the Waterfowl Advisory Group, informing them of the opportunity to provide comments on the proposed regulations.

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**Action requested (identify the specific Commission decisions you are seeking):**

Take public comment. Rule action is planned for the August 5-6, 2011 Commission Meeting.

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**Draft motion language:**

N/A

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**Justification for Commission action:**

These changes meet the approved criteria established by OFM as a result of the Governor's Executive Order 10-06 Suspending Non-Critical Rule Development and Adoption because they are beneficial to hunters (3e).

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**Communications plan:**

- News Release
  - Website
  - Hunting Pamphlet
  - Washington State Register
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AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

**WAC 232-16-700 Swinomish Spit Game Reserve.** It shall be unlawful to hunt wild animals and wild birds within the following described boundary November 15 through March 31, and it shall be unlawful to hunt brant at any time within the following described boundary: Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; thence in a northwesterly direction along the west side of the Swinomish Channel to the ~~((red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983)))~~ reserve boundary sign on the northernmost sand island (48.474801N, 122.530770W (all coordinates NAD83/WGS84)); thence ~~((6,000))~~ 10,500 feet ENE (east-northeast) to the reserve boundary sign (48.480630N, 122.488388W); thence ~~((3,300))~~ 1,800 feet ~~((SSE))~~ SW ~~((south-southeast))~~ southwest to the reserve boundary sign (48.476983N, 122.493716W); thence ~~((4,200))~~ 7,000 feet SSW (south-southwest) to the reserve boundary sign on the dike at the south end of Padilla Bay (48.459498N, 122.504967W); thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

5/17/11 9:43 AM[ 1 ]      OTS-3945.1

[Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-16-700, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 98-17-043 (Order 98-158), § 232-16-700, filed 8/13/98, effective 9/13/98; 84-21-046 (Order 249), § 232-16-700, filed 10/12/84.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-16-130	Ellensburg Game Farm Reserve.
WAC 232-16-360	South Tacoma Game Farm Reserve.



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-06-058 _____ ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or                | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).  | <input type="checkbox"/> Continuance of WSR _____         |

Title of rule and other identifying information: (Describe Subject)  
WAC 232-16-700 Swinomish Spit Game Reserve

**Hearing location(s):**  
Natural Resources Building, Conference Room 172  
1111 Washington Street SE  
Olympia, WA 98501

Date: June 3-4, 2011 Time: 8:30 am

**Submit written comments to:**  
Name: Wildlife Program commission meeting Public Comments  
Address: 600 Capitol Way North, Olympia WA 98501-1091  
  
e-mail Wildthing@dfw.wa.gov  
fax (360) 902-2162 by (date) Wednesday, May 11, 2011

**Assistance for persons with disabilities:** Contact  
Susan Galloway by May 27, 2011  
(360) 902-2267 or TTY (800) 833-6388

**Date of intended adoption:** August 5-6, 2011  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This amendment is intended to clarify the boundary description in the existing rule.

**Reasons supporting proposal:** The amendment will allow more effective enforcement of the rule by clarifying and updating the boundary description for this game reserve.

**Statutory authority for adoption:** 77.12.047, 77.15.440

**Statute being implemented:** 77.12.047, 77.15.440

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**DATE**  
April 19, 2011

**NAME** (type or print)  
Lori Preuss

**SIGNATURE**

**TITLE**  
Rules Coordinator

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 20, 2011

**TIME:** 9:22 AM

**WSR 11-09-082**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent: (person or organization)**

Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Nate Pamplin	Natural Resources Building, Olympia	(306) 902-2693
Implementation.... Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2693
Enforcement..... Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

These rules do not directly regulate small business.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: These are not hydraulics rules.