



**WDFW Enforcement Program Advisory Committee
 November 19th, 2011
 1000-1300
 Video Conference Call, RM 109, Olympia, WA**

Members in Attendance	
Bob Holtfreter, Chair	Ron Oules, Vice Chair
Dave Croonquist	Dave Robinson
Don Gulliford	Robin Hickock
John Suessman	Lycle Cabe
Andrew Hamilton	Ed Owens
Kelly Riordan	Ed Scullywest
Dave Ruffin	Jay Webster
WDFW Staff:	
Bruce Bjork, Chief	Mike Cenci, Deputy Chief
Mike Whorton, Captain, Region 1	Bill Hebner, Captain, Region 4
Murray Schlenker, Captain, Region 5	Rich Mann, Captain, Region 3
Steve Crown, Lieutenant, HQ	Chris Erhardt, Sergeant, Grant County
Sean Carrell, Prob. Wildlife Coord.	
Members Absent:	
Dean Byus	Eric Granstrom
Terry Abrams	

Chief Bruce Bjork convened meeting at 1000

[June 2011 Meeting Minutes Reviewed and Approved](#)

Introductions

There were brief introductions given around the regions. Chair Bob Holtfreter asked if there were any additions or deletions to the minutes. Ed Scullywest advised that weight of the arrows was reversed. The existing minutes have the sentence reading “Instead of 5 grains, there is a suggestion in regards to 6 grains.....” Sean Carrell will correct the minutes and repost to the website.

New Business

Legislative: Chief Bruce Bjork advised members about the omnibus bill. Ron Oules asked about mandatory times; firearm enhancement. Ed Owens advised that the firearm enhancement is an area that's going to need further discussion and may possibly be unsustainable. Oules asked what would the potential ramifications would be at the court level regarding mandatory time with game violations. Chief Bjork advised that this is the first time that this has been raised. Chief Bjork advised the group of the second part of the bill and changing crimes to infractions. All are listed in the bill. The process is a take or no take situation. If there's no take, improper gear, etc then it is just an infraction. If there's take, then it will be a crime. Hunting was not decriminalized. If they don't have hunting or fishing license on them, then it's an infraction. Wildlife meat cutters and taxidermists are addressed in this bill. Bill directs them to keep track using the agency's form. Deputy Chief Cenci talked about wholesale fish dealers. The other aspect of the bill deals with wildlife conflict and large carnivore such as bear, cougar, and wolf. Within that bill, WDFW is making changes to RCW 77.36 regarding deer/elk damage. In the omnibus bill from last year, there was a section regarding feeding wildlife. Section was taken out from last year and placed into the wildlife conflict bill. Bill makes it unlawful to feed wildlife. It is an infraction and a misdemeanor. The bill gives an ex officio law enforcement officer and local animal control authorities to assist with any issues within the city limits. Owens advised that some cities may want to include coyotes into this as well. For the last four years, the feeding issue has been in legislation and the current bill includes just three species as of right now. Dave Croonquist asked why not include wild Canids. Chief Bjork advised that it had been tried. Both bills have not been officially approved yet, but suspect they will be.

Enforcement Program is still considering another bill regarding commercial fishing. Chief Bjork advised that it wasn't something that they want to introduce to compete with the omnibus package. Owens advised that he has put together a bill to introduce legislation regarding guides and was going to be introduced in 2013. Chief Bjork agreed that it would not be introduced this legislative session. Croonquist asked about residency issues in the omnibus bill regarding active military personnel because the current legislation is not clear. Deputy Chief Cenci advised that if a person is licensed in another state and is transferred to Washington, he/she cannot have a resident license here unless the other residency license is relinquished. Croonquist advised that it is still unclear and needs more clarification. Chief Bjork advised that legal staff has pulled the licensing statutes from adjacent states and to make sure we're aligned. Deputy Chief Cenci advised that there is some confusion regarding the residency issues. Croonquist explained that if they are going to have a residency license that they have to prove that they are actually residents. Owens advised that there are three other items of legislation that are proposed: wolf depredation. There are major concerns involving the feds. Designation of wolves as game species, if that should become necessary, is being pushed heavily by the cattle industry. Owens advised that there is some additional legislation regarding gun safes and locking devices, or weapon locking devices. There's a question on whether or not hunting weapons would need to carry those some levels of protection. There is a re-write of the bill currently. Chief Bjork advised that there have not been any

discussions at WASPC, nor in the legislative committee. This legislation is only for those agencies that issue gun safes for staff that have agency owned weapons.

Deputy Chief Cenci asked if we should talk about labeling. Current statutes of mislabeling and branding of seafood are old. WDFW is in markets looking for labeling and branding issues. It is unlawful to advertise Atlantic farm raised salmon as troll line caught Chinook. Fines are low and there's no understanding of the provisions of labeling and branding of seafood. Owens advised that there was a law that was attempted seven years ago regarding this issue and it did not go well. It was a \$200 misdemeanor and the second offense is \$500. WDFW is currently working on \$20,000 cases; fines don't meet the dollar amount dealt in product. Owens advised that industry had issues regarding labeling, i.e. cost.

Budget: Chief Bjork advised that he is going to speak very little on budget issues and will primarily concentrate on Enforcement's budget. When the governor asked that all state agencies take a ten percent reduction, it was a \$6.9 million package. For enforcement, there is a managerial package that will be reduced. It is \$1.1 million reduction within the agency. WDFW will include biologist 4's on up, sergeant position and up. When we talk about vacancies, there are enough vacancies if reductions occur. Program has done some re-organization to cover this impact. Program could lose \$800K; vacant captains position, vacant lieutenant position, and a vacant sergeant position. Owens asked if that \$800K includes equipment. Chief Bjork advised that it is just personnel costs. Over the last three biennium's, there have been efficiency changes (uniforms, operational costs, DOT fuel changes, WSP reduction). Croonquist advised that Enforcement is taking 80% of the reduction. Chief Bjork agreed. They are recommendations; adjustments could be made later. This is only a proposal. No idea what the final package will be. Chief Bjork advised that of the \$6.9 million, \$800K is part of that. There is \$300K reduction from deer/elk damage claim payments. Owens advised that the hunting community is all for taking that money away, but that there's also a movement that wants to add more to that and to keep it. Chief Bjork advised that it would be an eighteen month suspension. This equates to a \$120K reduction from the wildlife account (hunting and fishing licenses) and \$30K from the general fund to pay for horticultural/agricultural damages. If any payment, because of those depredations, it all should come out of the general fund. Owens asked about the fencing. Chief Bjork advised that fencing is still in capital budget. Prevention pieces remain; payments are suspended. Chief Bjork advised that there were amendments made to RCW 77.36 in July of 2010. Statute is more pointed towards prevention than passing out money. Owens asked what, if anything, has been done. Chief Bjork advised that claims have gone down 66%. Why is WDFW suggesting suspension of those payments? Chief Bjork advised that the wildlife funds will be used in other areas within the department to help with other wildlife fund reductions. Jay Webster asked if landowners can sell a preference permit. Chief Bjork advised that they are selling access, not a permit. Kelly Riordan advised that they can select who they want.

Staffing/Reorganization: Oules asked about staffing issues. Chief Bjork advised that WDFW is not going to combine nor reduce the regions. Sen. Ranker still has an active

bill which would merge some of the natural resource agencies and reduce WDFW regions from six regions to four regions. Oules asked if there were impacts or consolidations at this time. Captain Bill Hebner asked if the Governor's office has concluded their assessment of the natural resource agencies. Chief Bjork advised no they have not. The program has taken the vacant marine captains and statewide investigative unit and rolled the marine detachments under the regions. Based upon vacancies, Captain Hebner rolled two land based detachments together into one. Captain Murray Schlenker took the upper Columbia River detachment and merged with the Clark County detachment. The Coastal detachment is now under Region 5. On the eastside, Enforcement moved a sergeant to the Spokane area. Position was advertised several times, but only had one interested person. Enforcement changed the residency requirement from Spokane south. The Ellensburg detachment was rolled into the Yakima detachment. Most detachments have five or more officers now. Owens asked if the statutory authority was going to be given up. Chief Bjork advised that no. Owens advised that they are going to go in and rewrite the discover pass legislation to make sure that those income streams are not impacted for WDFW; need to have that proportion coming into WDFW still. Suggestion that there is a potential to have those percentages reduced to WDFW. Webster advised that the fee is not being applied properly and he does not purchase a pass. John Suessman asked if the pamphlet could provide some information that gives some clarification. There is confusion what needs to be purchased. Pay a launch fee, but still need the pass to access the property. Croonquist asked of the parks, what boat launches, if any, WDFW dollars are used for construction. If it came through wildlife, then the vehicle access pass should be allowed to be used at those sites. Chief Bjork advised that it is built upon land ownership and who operates that land. Chief Bjork advised that the code reviser has codified the discovery pass legislation. All officers are going to cite under RCW 79.80.010, 1A (moving through agency lands), 1B (parking violation). Webster asked if any of the legislation is going to address transferring the pass to other vehicles. Suessman advised that there needs to be one pass and not additional permits for other vehicles. Deputy Chief Cenci advised that the vehicle transferability issue is going to be a big piece of the upcoming legislative session.

Marine Enforcement: Deputy Chief Cenci advised that both recreational and commercial sides were busy. It was a pink year, so there were major issues in both freshwater and saltwater to maintain order. There were snagging issues, but commercial issues too. Enforcement was challenging because there are healthy stocks intermingled with troubled stocks. Crab enforcement remains to be a high priority. Compared to last year, compliance in regards to resource conservation is up, but does not represent a huge percentage increase. Outreach by organized sports groups, agency, and packets and regulations were sent out. Packets included crab calibers, cotton twine, and other materials. Deputy Chief Cenci advised that there were lots of packages on boats that were observed. Tribes have their eyes on the recreational crab fishing. Deputy Chief Cenci advised that there were some concerns with co-management and accountability. Owens advised that a specific tribe is concerned about recreational crab fishery. Deputy Chief Cenci asked a representative on the tribe side, what was the data, violations, and other issues in regards to collaboration. Co-managers meet this last week and Deputy Chief Cenci gave an overview of recreational crab enforcement and non-Indian

commercial fisheries. Seven tribes were asked to provide information, only six delivered. One of the most vocal tribes did not provide information. Owens asked if the discussion included coastal managers as well. Deputy Chief Cenci advised that it was only Puget Sound. Deputy Chief Cenci advised that there were high profile cases involving Canadian crab fishing. Gear is visible over the line marked with a buoy, but then there are crab pots on Washington's side as crab fishing gets worse. There were cases involving ground line fishing. Partnerships with border patrol using FLIR produced some good violations. Four emphasis patrols using land personnel and marine detachment. Troll fishery has also been a high priority. Deputy Chief Cenci has been heavily involved with rule development. Enforcement is monitoring this component and it is still a high priority especially with heavily impacted rockfish stocks with NOAA. WDFW receives money from NOAA and competes nationally for this money. WDFW believes that the money allocation is flawed based upon law enforcement activity. One issue in regards to money allocation is the number of fish landings. Deputy Chief Cenci advised that Washington State has had a number of species under protection, but has fewer landings. NOAA does not take into consideration Washington State's ESA protection level issues; money should take into considering the inland protection levels as well and money should be given to help with that enforcement. SIU made a good case involving a company (CNR) and the theft of \$2 million worth of geoducks that occurred in Jefferson that were sold in King County. Owens asked how many vessels WDFW operates. Chief Bjork advised that there are 105. There are eighty five motorized vessels from fourteen feet and sixty five feet. There are two forty three footers; Anacortes and Port Angeles. Riordan asked if any of those are operated by volunteers. Deputy Chief Cenci advised that it is only commissioned staff only.

WAC Revisions: Deputy Chief Cenci advised that a legal analyst was hired in order to overhaul our agency's rules. There are chapters that have become disorganized; some of the rules are not enforceable and there are no prohibitions; some rules are obsolete. This mission is going to be separated into two different pieces; policy side and the organizational piece. Work parties will be grouped together to re-develop. Analyst has developed several approaches that will be reviewed. Enforcement must have statute in order to enact agency rule. Chief Bjork advised that this group will also need to be engaged during this activity; have to run in concert with both the hunting and fishing packages and Governor's rule moratorium through 2012. There are categories where WDFW can bring rule proposals. Deputy Chief Cenci advised that there have been a number of methods rules have been written in many different styles and the hope is that there is a more developed process in the future. Croonquist asked if the legal assistant has any knowledge. Deputy Chief Cenci advised that it was hard to select a candidate. There many talented people, but that the person that was hired will have the necessary skills. The legal analyst that was hired has organizational skills needed. Chief Bjork advised that there were forty two applications; thirty nine were attorneys. The new legal analyst works under Ms. Lori Preuss; Lori reports to the Chief.

Election of new officers: Chair Holtfreter asked how we want to do this. Chief Bjork advised that there should be nominations made. Chair Holtfreter asked if there were any nominations for Vice Chair. Oules nominated Dave Ruffin. Chair Holtfreter asked if

there were any other nominations for Vice Chair. Owens seconded the motion. Chair Holtfreter asked if there was any other discussion. Dave Ruffin is now the Vice Chair. Chair Holtfreter asked if there were any nominations for the Chair position. Owens nominated John Suessman. Chief Bjork asked if John Suessman would be the Chair. Motion seconded. John Suessman was nominated as Chair and Dave Ruffin as the Vice Chair.

Old Business

TIP Program: Presentation by Lieutenant Steve Crown. Sean Carrell gave a very brief discussion on Enforcement's Social Media project using Facebook, Twitter, Blogger, and YouTube.

Draft WAC on night hunting: Deputy Chief Cenci gave a briefing on a draft night hunting WAC. There are high risk pursuits involving this type of activity and concerns of officer safety. There is some flexibility to some of the provisions; no flexibility involving a separation from spotlight and motor driven vehicle. There are some provisions on caliber, times of the year, distances, and an exception regarding private landowners. Deputy Chief Cenci asked that the group review. Owens asked if this is a rule being proposed. Deputy Chief Cenci advised that it is and would like to include with three year package. Draft WAC was given Wildlife Management for feedback, but nothing was ever provided. Owens asked that if he could have a copy. Deputy Chief Cenci and Chief Bjork advised that he could, preface with the fact it is only a proposal. Croonquist asked if this is a WAC proposal. Valid depredation permit hunters that are issued a permit would be exempt. Scullywest asked if under (A) that a firearm is in the vehicle that has a spotlight if the language should be clearer. Deputy Chief Cenci advised that would need to be cleaned up. Gulliford asked if the restriction to .22 caliber would produce more injuries. Larger calibers are a concern especially at night. There is flexibility on the caliber piece; trying to separate the person from the vehicle and high risk approaches. Webster asked if a .22 250 is legal. It should be rimfire and not centerfire. Deputy Chief Cenci asked if there's support for the concept. Chief Bjork advised that it should be something smaller than what is used for big game. Owens advised that is a content issue, but not a philosophy issue. Deputy Chief Cenci asked to send any comments to him or Sean.

EAG working groups(s) updates/status: No status on the workgroups. Chair Holtfreter has been working on the Hunter Orange requirements. Suessman asked how many states would need to be done. Chair Holtfreter advised that all states should be queried. Croonquist advised that the HE program should already have this. Owens also advised that there should also be some legislative survey after the hiker that was killed a few years ago. National site should have that information as well. Master Hunter questionnaire was edited. Novack is looking at additional venues to distribute the information.

Conclusion

Scheduling of next meeting is on February 11th, 2012. Owens suggested that we have a closer meeting. Chief Bjork advised that we have a video conference. Members suggested an in person meeting in Ellensburg at the DNR facility.

Requested Action Items:

- None

Topics for Future Discussion:

- Pre and post legislative issues
- KBD Program
- Update on Wildlife Crime Stoppers by Lieutenant Steve Crown
- Presentation on scope of problems on WDFW land use

Next meeting: *In person meeting, Saturday, February 11th, 2012 from 1000-3:00. The agenda will be sent out before the meeting with information on topics for discussion.*