



Minutes

Washington Fish and Wildlife Commission Meeting

February 25-27, 2021 – Webinar

Attendance

Commission

Larry Carpenter, Chair
Barbara Baker, Vice Chair
Donald McIsaac
Kim Thorburn
Molly Linville
James R. Anderson
Lorna Smith
Fred Koontz

Staff

Joe Panesko, AGO
Lauren Kirigin, AGO
Amy Dona, AGO
Kelly Susewind, Director
Amy Windrope, Deputy
Director
Cynthia Wilkerson
Lauri Vigue
Darric Lowery

Commission Staff

Chris Sato
Heather Hall
Chad Herring
Hannah Anderson
Ron Warren
Marlene Wagner

Nichole Kloepfer

Friday, February 26, 2021

Chair Carpenter called the meeting to order at 8:00 a.m.

Chair Carpenter announced that the Lands 20/20 agenda item has been moved to the March 25-27, 2021 meeting. An executive session was added to the end of the Friday meeting and the Gray & Humpback whale PSR is not a decision only a briefing and public hearing.

1. Call to Order

a. Commissioners' Discussion

Commissioner Thorburn reported that the Inland Northwest Wildlife Council's Board of Directors were given a presentation by the North American Non-Lead Partnership last week. They are looking into how they can work with together. She was able to listen in on the presentation and learned a lot from the hunting perspective.

b. Meeting Minute Approval

The Commission considered approval of the January 28-30,2021 and February 12, 2021 draft minutes.

Commissioner Thorburn made motion, seconded by Commissioner Linville, to approve the minutes of the January 28-30 ,2021 webinar as presented. All in favor. Motion passed.

Commissioner Thorburn made motion, seconded by Commissioner Linville, to approve the minutes of the February 12, 2021 web conference as presented. All in favor. Motion passed.

c. Committee Reports - This Section constitutes the formal minutes from each of the listed committee meetings:

Wildlife Committee

Commissioners in attendance: Anderson, Baker, Thorburn, Linville, Koontz, Smith

Commissioner Thorburn reported that at the special Wildlife committee meeting Friday, February 19 the committee was provided an update on cougar safety management and response from the internal cougar management team. This stemmed from a Spokane meeting 2 years ago when the commission heard the Northeast Washington communities' public safety concerns; an internal team was formulated to flesh out issues. As part of the work, science review panel comprised of WDFW and four external scientists will complete a thorough literature review and provide a report.

Commissioners in attendance: Anderson, Baker, Thorburn, Linville, Koontz, Smith, McIsaac

At the February 25 committee meeting staff provided a deep dive into the 3 – year season setting process in preparation for the draft rules proposals that the full Commission will be briefed on and receive public testimony at the March 25-27 meeting.

Habitat Committee

Commissioners in attendance: Baker, Linville, Smith, Koontz

Commissioner Linville has been appointed Chair of the committee. Chair Carpenter will be a temporary member. Commissioner Linville reported that the staff provided an update on fish passage rulemaking, and mid-session habitat related legislation. Staff also provided a preview of the shrub steppe video but due to technical issues the link was sent to the Commission for review at a later date.

Big Tent Committee

Commissioners in attendance: Baker, Thorburn, McIsaac, Smith, Koontz

Vice Chair Baker reported that the committee was provided an updated report card on the strategic plan. Deputy Director Windrope provided a presentation on science and policy processes in the agency. The committee was also provided a briefing from DFW's three chief scientists who provided details of the many projects going on within the agency.

At the next meeting the committee will be briefed by the staff on DFW's school curriculum, look at the mission statement and do a deep dive on the conservation policy for the Commission. The Committee expressed interest in further discussions about identifying when the best available science is sound enough for Commission decision making and distinguishing the line between quantified science and balancing subjective policy considerations.

Executive Committee

Commissioner in attendance: Baker, Thorburn, Carpenter, McIsaac

Commissioner Baker and Deputy Director Windrope reported that the committee discussed strategies for dealing with increased public comments in the age of Zoom, strategies for dealing with agenda management and ways to improve collegiality.

Changes will include the following concepts, but the exact language for each of these is subject to further internal discussion and development. The following changes are intended to be implemented for the March 25-27 Commission webinar.

- For open public comment, those wishing to testify must register in advance. Registration is to close at 8 am Friday for Friday's open public comment period and at 8 am on Saturday for Saturday's open public comment period.

- During Open Public Input, comment for an item later in the agenda will be ruled out of order– the commenter needs to wait for the agenda item.
- Public comments provided in the open public comment period on Friday are discouraged from commenting on the same issue on Saturday open public comment period.
- For agenda items with scheduled public comment periods, those wishing to testify must register prior to the beginning of the agenda item. Registration for public comment for each agenda item will be closed after the agenda topic begins. Registrants will be called upon to speak.
- The public testimony time limit will be enforced at 3 minutes.
- After public comment is closed following the Public Hearing governed by the Administrative Procedures Act, the Commission will not consider either written or verbal public input on the topic. Verbal or written comment on topics currently closed are discouraged, and such comments will be disregarded and not considered by the Commission or be entered into the record of decision relative to the issue for which the public hearing was held.
- SEPA comments must be received by the Department prior to closure of the SEPA comment period and comments made pursuant to a closed SEPA issue will not be entered into the record.
- Written comment to inform the Commission at the upcoming meeting needs to be received by Thursday 8 am prior to the Friday meeting such that Commissioners have a chance to read prior to the meeting. Any public comment received after that point and during the Commission meeting will be distributed the following Monday to Commissioners.
- Written notice of these protocols will be included on the agenda and re-enforced verbally at Commission meetings.
- Commissioners will restrain their engagement with the public during public comment to clarifying questions.
- Space will be afforded after all public comment for commissioners to discuss the content of public testimony, if needed and with discretion.
- The Director or Deputy Director will clarify any fairly serious mischaracterizations by the public or deal with public criticism of staff at the end of public comment.
- Agenda items are to be planned to afford adequate time for Commissioner dialogue after staff presentations and public comment. Longer, more in-depth staff presentations are appropriate for committee meetings and more concise power point presentations are appropriate for full Commission briefings.
- The agenda items shown in the Year-at-a-Glance for the upcoming full, multi-day Commission meeting will be reviewed during the Future Meeting Planning agenda item, and the results used as a strong draft to plan the appropriate amount of time for each agenda item at the next meeting, to prepare public notice about the agenda content, and to provide staff notice for necessary preparations. Agenda changes after this point should be for unforeseen circumstances or emergencies so as to minimize “too full agendas”.

2. Open Public Input

The following people provided input on various topics:

Robert Sudar – summer Chinook, public testimony changes

David Linn – Chehalis flood damage reduction/Wisconsin wolves

Mike Henderson- commercial fishing
management

Ravae O’Leary – coastal steelhead

Irene and Kent Martin – alternative gear

Marie Neumiller – spring bear/large carnivore

Toby Cooper – cougar safety

Greg King – wild/hatchery fish

Bruce Barnes – E-bike petition for rule change

Robert Kratzer – commercial fishing Jerry Effenberger – WDFW Rule/ADA violation
David Moskowitz – Administrative Procedures Act

3. Director’s Report

The Deputy Director provided oral highlights on the following:

- Met with the Stillaguamish Tribe regarding values, goals, and objectives around the Stillaguamish River.
- Met with Senator Solomon regarding the Deschutes River hatchery.
- Met with coastal steelhead groups, select Commissioners and constituents.
- Nez Perce Tribe about elk and big sheep in the Blue Mountains
- The Director made a film for North of Falcon video with Lorraine Lummis inviting folks to the North of Falcon process.
- The Director participated in a joint training and video with prosecuting attorneys throughout the state to increase engagement with Enforcement.
- Met with Colonel Bullock from the U.S. Corps of Engineers to discuss WDFW’s Point No Point boat ramp permit.

4. Scatter Creek Wildlife Area – Briefing

Cynthia Wilkerson, Wildlife Program Lands Division Manager; Lauri Vigue, Wildlife Area Planner and Darric Lowery, Wildlife Area Manager provided a briefing on the new director approved Scatter Creek Wildlife Area management plan.

BREAK

5. Gray and Humpback Whale PSR – Briefing, Public Hearing

Chris Sato, Wildlife Biologist; Hannah Anderson, Listing and Recovery Section Manager, Wildlife Program, briefed the Commission on the Periodic Status Review for the Gray and Humpback Whale. Staff recommends retaining state-endangered status for the Humpback Whale and state sensitive status for the Gray Whale.

The following people provided comments:

Erin Gless Larry Thevik Cindy Hansen

The Commissioners requested more data and had several questions to be addressed at the following meeting. The decision is expected at the March 12, 2021 Commission web conference.

LUNCH

6. Coastal Commercial Dungeness Crab Whale Entanglement and Conservation Plan Development – Briefing, Public Comment

Heather Hall, Intergovernmental Ocean Policy Coordinator briefed the Commission on the progress of the conservation plan development and next steps.

The following people provided comments:

Larry Thevik Dale Beasley Rachel Bjork

7. Office of the Attorney General Training

Joe Panesko, Lead advisor to the Commission; Amy Dona, Wildlife lead- and backup advisor to the Commission; and Lauren Kirigin, Records Retention Specialist, provided legal training on the Administrative Procedures Act (APA), rulemaking procedures, the State Environmental

Policy Act (SEPA), Regulatory Fairness Act, Ethics in Public Service Act, the Open Public Meetings Act (OPMA) and the Public Records Act (PRA).

8. Executive Session

Pursuant to RCW 42.30.110(1)(i), the Commission met in executive session. No action was taken, and the public was not permitted to attend.

RECESS

Saturday, February 27, 2021

Chair Carpenter called the meeting to order at 8:00 a.m.

9. Open Public Input

The following people provided input on various topics:

Greg King – sports fishing/fish production Ravae O’Leary – coastal steelhead

Lynn Mason – cougar management Klickitat County

10. Willapa Bay Policy (C-3622) Review – Briefing, Public Comment

Ron Warren, Director of Fish Policy, and Marlene Wagner, South Coast Policy Lead, and Chad Herring, Anadromous Resource Policy Analyst provided a briefing to the Commission on the Willapa Bay Policy C-3622 annual report. This included performance of salmon fisheries within Willapa Bay, interim Commission guidance from 2018 – 2021, and information requested at the January 2021 Commission meeting. The Commission considered interim policy guidance for the 2021 fisheries.

Commissioner McIsaac discussed an interim policy guidance perspective with the intent to stay with the recent policy guidance interpretation for the fisheries and keep options open for Chinook hatchery management relative to the complete Willapa policy review. This is to maintain consistency with the policy review process and to not make long term policy changes today.

Referencing slide 38, Commissioner McIsaac supported the 2020 guidance of carrying forward the 2019 interim guidance and leaving hatchery production releases at their current facility, with the deletion of the phrasing “except for reducing the 20% harvest rate cap to 14%”, so as to leave the 2019 guidance of a 20% cap. He noted the staff assessment that a 20% in-bay cap in 2021 was the total fishing impact equivalent of a 14% in-bay cap when the original policy was adopted in 2015, given the recent ocean fishery reductions in the Pacific Salmon Treaty. He also spoke in favor of adding a bullet to explore a test fishery approach for the Chinook and Coho overlapping time period.

Commissioners expressed their concerns and support about the recommendations.

Director Susewind indicated that a decision will need to be made on interim guidance either at this time or at the March 12 web conference to proceed with the North of Falcon process.

The Commission agreed to postpone the decision on policy guidance for 2021 until the March 12 Commission meeting.

The following people provided comments:

Marlisa Dugan

Frances Estralilla

Lance Gray

Greg King

Rachel Bjork

Jason Lake

Commissioner Lisa Olsen

11. Miscellaneous and Meeting Debrief

Commissioner McIsaac spoke in favor of the changes to the Commission meeting protocols designed to improve meeting efficiency. He reviewed the March 25-27 meeting agenda items shown on the Year-at-a-Glance and asked if Commissioners or staff felt any changes should be considered; none were suggested.

He also asked for the following modifications on the Year-at-a-glance in response to matters brought up during the Commission meeting.

- Clarifying the "Coastal Steelhead Briefing" in June by rephrasing to "Coastal Steelhead Workshop Planning Briefing".
- Add Willapa Bay decision for interim guidance to the March 12 web conference.
- Add the hunting season setting final decisions to the April 9 web conference.
- Add an alternative gear update to the Directors report for the March 26-27 meeting.
- Add the Whale PSR decision the March 12 web conference.

Commissioner Baker asked for approval of a Blue Sheet Briefing on grazing on WDFW lands.

Chair Carpenter made a motion, seconded by Commissioner Anderson, to approve Commissioner Baker's Blue Sheet on Grazing. All in favor. Motion passed.

She requested the briefing by June 2021. It's been assigned to the Wildlife/Lands program and it will be initially discussed at the Wildlife committee.

Vice-Chair Baker spoke to some permanent and temporary changes to Commissioner committee assignments; there were no objections to these changes as a matter of Commission consensus.

Commissioner Anderson asked that he be briefed on the Executive Committee discussion as he had to be absent for that portion of the Commission meeting. Deputy Director Windrope will follow up with him and provide an overview.

12. Executive Session

Pursuant to RCW 42.30.110(1)(g) & (i), the Commission met in executive session. No action was taken, and the public was not permitted to attend.

Chair Carpenter adjourned the meeting at 12:33 pm.

Nichole Kloepfer 3/26/2021
Nichole Kloepfer, Executive Assistant