



Minutes

## Washington Fish and Wildlife Commission

March 14-16, 2024 Hybrid Minutes

### Attendance

#### Commission

Barbara Baker, Chair - Remote  
Tim Ragen, Vice chair  
Lorna Smith  
Molly Linville  
John Lehmkuhl  
Jim Anderson  
Melanie Rowland  
Steve Parker  
Woody Myers - Remote

#### Staff

Kelly Susewind, Director  
Amy Windrope, Deputy Director  
Joe Panesko, AGO  
Tami Lininger  
Jamie Caldwell  
Nate Pamplin  
Dr. Braeden Van Deynze  
Margen Carlson  
Chris Conklin  
Kara Whitaker  
Aaron Dufault  
Chris Eardley  
Katelyn Bosley  
Craig Burley  
Chalee Batungbacal  
Dr. David Trimbach

Kelly Cunningham  
Eric Gardner  
Anis Aoude  
Dr. Donny Martorello  
Dr. Ilai Keren  
Dr. Brian Kertson  
Rich Beausoleil  
Tom McBride  
Cynthia Wilkerson  
Karen Edwards  
Holly English  
Hannah Bate  
Kirt Hughes  
Chad Jackson  
Kyle Garrison  
Taylor Cotton  
Jessica Stocking  
Julia Smith

### Friday, March 14, 2024

#### **1. Call to Order**

Chair Baker called the meeting to order at 8:01am. She went over some logistics for the meeting, and noted that she was attending virtually due to a positive covid test, and that Vice-Chair Ragen would be running the meeting over the next couple of days. Vice-Chair Ragen took over and noted that Commissioner Myers was attending virtually as well. He then made the Commission aware that the petitioner for item #8 had withdrawn his petition the day before, so the item was going to be struck from the agenda.

#### Commissioner's Discussion

Chair Baker thanked Commissioner Linville for being available by coming over to her daughter's house the day before and assisting with the delivery of a couple baby goats.

Commissioner Anderson expressed appreciation for the Department's Fresh Water Program for all they do.

Commissioner Lehmkuhl expressed appreciation for the wildlife overpass that he drives past when he's traveling to Olympia for the Commission meetings. ([Begins at 0:01:30 mark](#))

#### Meeting Minute Approval

*Commissioner Anderson made a motion to approve the minutes of the January 25-27, 2024 hybrid webinar, Commissioner Smith seconded the motion, and the minutes were approved.*

*Commissioner Smith made a motion to approve the minutes of February 16, 2024 web conference, Commissioner Anderson seconded the motion, and the minutes were approved. ([Begins at 0:05:38 mark](#))*

### **Committee Meeting Updates:**

#### Big Tent Committee

The Committee members in attendance: Lehmkuhl, Baker, Parker, Smith. All five of the other Commissioners also attended. To review the full meeting recording for March 14, 2024, please click this [link](#).

Commissioner Lehmkuhl briefed the full Commission on the presentation on the Washington results from the National Survey of Fishing, Hunting, & Wildlife-Associated Recreation given by Dr. Braeden Van Deynze. He also let the full Commission know that they were supposed to go over the conservation policy, but that was postponed to a future meeting (TBD). He noted that the committee had a robust conversation going through the Best Available Science Policy, and that the committee had recommended that the minor edits suggested be made, that the new draft would be published for the public to review, and is hopeful that a vote on the policy can take place at the April meeting. During the future meeting planning, a discussion was held surrounding the topic of communication issues, outreach to the public, how to better get input from the public, and how to use that input. ([Begins at 0:08:30 mark](#))

#### Habitat Committee

Committee members in attendance: Linville, Lehmkuhl, Ragen, Myers (remote). All five of the other Commissioners also attended. To review the full meeting recording for March 14, 2024, please click this [link](#).

Commissioner Linville briefed the full Commission on the committee meeting. She noted that they were introduced to the new Habitat Director, Chris Conklin. She then gave everyone a brief summary of the presentation given on the Growth Management Act Update (Land use & Conservation Policy), PHS data, and the Volunteer Stewardship Program. During future meeting planning, an extensive list was developed, and habitat staff are going to coordinate scheduling so the year-at-a-glance can be updated. ([Begins at 0:11:17 mark](#))

#### Fish Committee

Committee members in attendance: Anderson, Linville, Ragen, Parker. All five of the other Commissioners also attended. To review the full meeting recording for March 14, 2024, please click this [link](#).

Commissioner Anderson summarized the presentations they were given on the Puget Sound Shellfish Monitoring & Management, the Puget Sound Crab Fishery, and the Puget Sound Shrimp Fishery. During future meeting planning, the committee discussed getting an update on the North of Falcon outcomes, a report out on policy C-3632, and a discussion on the Fish Program's supplemental budget outcomes. ([Begins at 0:14:27 mark](#))

#### Wildlife Committee

Committee members in attendance: Smith, Anderson, Rowland, Myers (remote). All five of the other Commissioners also attended. To review the full meeting recording for March 14, 2024, please click this [link](#).

Commissioner Smith summarized the presentation given by Dr. Donny Martorello on the cougar management framework. She noted that the committee passed a motion to make a

recommendation to the full Commission to take up the discussion that had been tabled in February, relating to the petition accepted in December 2023 regarding cougar management. ([Begins at 0:16:55 mark](#))

### Executive Committee

Committee members in attendance: Baker, Ragen, Linville, Anderson.

Chair Baker briefed the full Commission on the topics discussed which were managing the increased number of petitions the Commission is receiving, the process for the wolf rule, and how to best develop the interpersonal relationships with the Tribes to enhance the Commission and Department's working relationship with them. ([Begins at 0:19:19 mark](#))

Assistant Director Windrope explained the potential process/pilot program that was discussed, which is intended to assist with managing the increased number of petitions being received. She explained that once a petition was received that the Chair, Vice Chair, and staff would meet to decide if the petition was a good candidate to be delegated to the Director. If so, then it would be added to the consent agenda. If approved in the consent agenda, then the Director would make the decision to accept or deny the petition. She noted that petitions considered easy would be good candidates for the consent agenda. The ones received that are of high interest to the Commission, would remain with the Commission and follow the regular process. She further explained that if the petition was delegated to the Director, that the rulemaking itself would remain with the Commission, the Director would only be making the decision as to whether the petition would be accepted. Chair Baker reminded everyone that there will eventually be other items on the consent agenda, and that if there was anything on that agenda that a Commissioner didn't feel comfortable with voting for, that any Commissioner could pull something off the consent agenda before it's delegated, and have the entire Commission manage the process from the onset. suggested brining the consent agenda topic, and what to include on it, up at the end of the meeting tomorrow to give Commissioners time to think about the proposal. ([Begins at 0:20:49 mark](#))

Chair Baker then went over the wolf rule discussion noting that the Committee decided that the full Commission should go over this and potentially have a facilitated discussion to try to get to the decision as to whether the Commission does a rule, if there are alternatives to the rule, and what the rule should contain. The committee is suggesting that the Commission spend a good amount of time going over this as a full group, possibly in June. ([Begins at 0:24:25 mark](#))

Lastly, Chair Baker briefed the Commission on the discussion of the Commission and Department's relationship with the Tribes. She noted that the Commission and Department need to respond to the requests for a consultation on the draft Conservation Policy and SHB 2424 (updating the cooperative agreements between the state and federally recognized tribes for the successful collaborative management of Washington's wildlife resources). ([Begins at 0:28:11 mark](#))

## **2. Open Public Input**

Please see the attached list of commenters. To listen to the audio please click this [link](#). Public input begins at the 39:30 mark.

Commissioner Lehmkuhl addressed the room and encouraged constituents to use their comment time to focus on issues important to them instead of providing an opinion on a special interest groups. ([Begins at 2:12:45 mark](#))

Commissioner Smith addressed a specific comment about an opinion that it be a requirement that commissioner appointments should be done by region, so each region would have representation.

She clarified the appointment requirements per the [RCWs](#) and noted that the current Commission has been appointed in-line with the RCWs. ([Begins at 2:13:21 mark](#))

Vice-Chair Ragen noted that he interpreted the Commission's mission is to represent every person in the state, regardless of where they're located. He asked that if constituents didn't feel that the Commission was doing that, to please provide the commissioners with a reminder. ([Begins at 2:14:39 mark](#))

Chair Baker commented that the controversies and polarization that the Commission is experiencing isn't unique to Washington State. She noted it's equally happening in Kansas, Colorado, and Nevada to name a few. She provided the opinion that what makes Washington unique is that our Commission is trying to straddle the line between good science and good policy, while being openminded and thoughtful at the same time. She expressed her frustration at each side having drawn lines without being willing to hear the perspective of the other side. She requested that people focus on speaking to what the issues are being raised as opposed to focusing so much on the opposite side's opinion. ([Begins at 2:15:04 mark](#))

### **3. Director's Report**

Director Susewind provided an update on the North of Falcon meetings and townhalls. He also noted that there was the 50<sup>th</sup> anniversary of Boldt at the Muckleshoot. He let everyone know that the Northwest Indian Fisheries put out a film called Fish Wars that the Department is going to offer staff a screening of. He also noted that several staff members attended the memorial service for Mary Valentine. Deputy Director Windrope provided an update on the safety initiative and noted that the Department received \$7mil from the legislature to go towards the safety program. She also informed the Commission that there are new safety policies being developed and implemented. Lastly, she briefly went over the results of the employee survey and that the Department scores are at or exceeding the level of the state metric. The union survey results indicated that approximately 200 staff members took the survey, and it was very closely in-line with the employee survey. The Legislative Director, Tom McBride, briefed the Commission on the outcome of the legislative session and the Department's budget. The Department ended up with 5 approved agency request bills (1226, 1876, 5306, 5785, and 5784). ([Begins at 2:19:42 mark](#))

### **4. Land Transaction – Briefing, Public Comment, Decision**

Staff briefed the Commission on the Violet Prairie Phase 3 project and requested a land transaction approval.

Public Comment: There was one person signed up to provide public comment but didn't end up attending the meeting, and there was nothing submitted in writing on the topic.

*Commissioner Rowland moved to approve the land transaction presented by staff and it was seconded by Commissioner Anderson. The Commission voted unanimously; motion carried.*  
([Begins at 2:44:06 mark](#))

### **5. L.T. Murray Wildlife Area Plan – Briefing**

Staff briefed the Commission on the L.T. Murray Wildlife Area Management Plan that was approved by the Director in September 2023, that included an overview of the plan, key management goals and objectives. ([Begins at 3:07:06 mark](#))

### **6. Petition: Steelhead Bait Ban & Date Changes - Briefing, Decision**

Staff briefed the Commission and requested denial of the petition to change regulations that will ban the use of bait in all rivers and tributaries in the Puget Sound and delay the opening of fishing

season until mid-June in Puget Sound Rivers. The Commission asked questions of staff for clarification prior to a motion being made.

*Commissioner Anderson moved to deny the petition and direct staff to consider these concerns during the development of the Resident Native Trout Harvest Management Commission Policy and the motion was seconded by Commissioner Lehmkuhl. The Commission voted unanimously; motion carried. ([Begins at 3:47:05 mark](#))*

**7. Petition: Change to the Yellow Perch Limit on Fish Lake in Chelan County – Briefing, Decision**

Staff briefed the Commission and requested support on a petition that the limit for Yellow Perch on Fish Lake in Chelan County to be changed from 25 to no limit. Commissioners asked questions of staff for clarification prior to a motion being made.

*Commissioner Anderson moved to accept the petition and initiate the rulemaking following the conclusion of the North of Falcon rulemaking process and Commissioner Parker seconded the motion. The Commission voted unanimously; motion carried.*

Deputy Director Windrope suggested the Commission consider delegating future rulemaking on the petition topic to Director Susewind, since it was relatively straightforward, and the Commission agreed that was an appropriate request.

*Commissioner Smith moved to delegate this petition rulemaking to Director Susewind and the motion was seconded by Commissioner Linville. The Commission voted unanimously; motion carried. ([Begins at 4:01:57 mark](#))*

**8. Petition: Wildlife Control Operators – Briefing, Decision**

This item was struck from the agenda because the petitioner submitted a request to withdraw their petition on March 14, 2024.

**9. Petition: Creation of Eastside & Westside Deer Tags – Briefing, Decision**

Staff briefed the Commission and requested the denial of a petition to begin rulemaking to create Eastside & Westside deer tags, requiring hunters to choose between the Eastside & Westside of the state. The Commission asked questions of staff prior to a motion being made.

*Commissioner Anderson moved to deny the petition and Commissioner Lehmkuhl seconded the motion. The Commission voted unanimously; motion carried. ([Begins at 4:16:33 mark](#))*

**10. Orca Whale Periodic Status Review – Briefing, Public Comment, Decision**

Staff briefed the Commission and requested that they maintain the Orca Whale as endangered in Washington.

Public Comment: Please see the attached list of commenters. To listen to the audio, please click this [link](#). Public comment begins at the 5:20:45 mark.

*Commissioner Rowland moved to support the staff recommendation to maintain the Southern Resident Killer Whale as an endangered species and Commissioner Smith seconded the motion. The Commission voted unanimously; motion carried. ([Begins at 4:49:14 mark](#))*

## **11. Science & Policy Discussion Regarding Cougar Rulemaking**

Pursuant to Commission vote in December 2023, the staff presented the Commission with further information on the cougar science tasks they're currently working on and anticipate having completed at the end of March 2024. This information is going to be used to help determine cougar intrinsic growth rate.

The Commission began discussions on how to potentially handle the process of the cougar rulemaking. Commissioner Linville requested that staff provide a clarification of the problem at hand and a recommendation based on the new data on how to proceed forward. Chair Baker made the suggestion that a vote is not taken today, regroup, and come back to the topic with a plan to move forward. She requested that the science and policy staff review the document the Wildlife Committee presented yesterday and come back to the full Commission with some advice and recommendations at the April meeting. Specifically, she would like to see an outline of what the policy decision making authority is and what is left to designate to the Department to design the seasons. ([Begins at 7:31:13 mark](#))

Vice-Chair Ragen recessed the meeting at 5:03 p.m.

## **Saturday, January 27, 2024**

Vice-Chair Ragen called the meeting to order at 8:00am and reminded everyone again that the Executive Session on the agenda was cancelled.

## **12. Open Public Input**

Please see the attached list of commenters. To listen to the audio please click this [link](#). Public Comment begins at the 0:01:10 mark.

Commissioner Smith addressed the specific comment that Tim Coleman is a fake, not a hunter, and didn't build his own cabin. She attested to have personally visited his cabin and was speaking in defense of Mr. Coleman. ([Begins at 1:23:54 mark](#))

Commissioner Lehmkuhl addressed the room stating that the Commission regularly hears from the public to follow the science that staff present, but equally hears from the same people that predators are the root cause of low ungulate population and low hunting opportunity. He encouraged constituents to take the information staff provide into consideration prior to commenting to the Commission to ensure they're being consistent in the advice/comments they're making to the Commission. ([Begins at 1:24:29 mark](#))

Commissioner Anderson stated that he heard several different perspectives from both sides today that gives him hope that the Commission can figure out a way to proceed regarding the cougar topic. ([Begins at 1:26:11 mark](#))

Commissioner Parker reflected that the Commission repeatedly hears that the current cougar hunting rules aren't based in science, and that he finds himself persuaded to agree with that argument. He wanted to make the point that it is an inherent property of public policy making that sometimes priorities other than science factor into decision making, and noted that public safety is a good example to consider when doing rulemaking. He noted that the Commission should be relying heavily on the science as the foundation to build the management structure on, but would like people to recognize that sometimes it's not only the science that goes into decisions and rulemaking. ([Begins at 1:27:53 mark](#))

Vice-Chair Ragen commented that he's noticed during these input sessions, that the Commission is regularly hearing all the sharp edges, and then people are getting fixed on what's perceived or what they want, so they aren't entirely hearing everything. He noted that when using science, you're not only expected to come up with questions, but also hypothesize potential answers to those questions. He encouraged his fellow Commissioners to ask themselves if they may be thinking about a topic the wrong way, am I ignoring factors I shouldn't be ignoring, and are there other factors I should be considering to try and take some of those sharp edges off. ([Begins at 1:30:05 mark](#))

Chair Baker commented that there is a tug of war going on between the Commission directives that their decisions aren't supposed to impair the resource and supposed to optimize hunting opportunity. Her hope is that constituents are able to understand that the Commission is listening, has asked for science, that decisions are rooted in science, but that there are individual values that need to be appreciated as well. She's confident that the Commission can come up with a management system that doesn't impair the resource and will still allow hunters an opportunity as well. ([Begins at 1:33:02 mark](#))

Commissioner Myers commented that he appreciated the comments made by both the public and Commissioners. He did want to note that it was important to remember that radio tagged animals are still a legal target, and that the highest mortality factor is hunting followed closely by damage take. He continued to state that the Commission has received some really good science recently and that the Commission needs to take in everything, let the process run through, let the scientists come up with the density estimates, and then applying/adjusting whatever factor(s) to come up with a reasonable estimate of growth and move forward. He requested that the Commission really works together with all the information they've received from staff and heard from the constituents to see the process through. ([Begins at 1:35:32 mark](#))

### **13. Wolf Periodic Status Review – Briefing, Public Comment**

Staff briefed the Commission on the status of gray wolves and the proposal to reclassify them as sensitive in Washington state. ([Begins at 1:42:50 mark](#))

Public Comment: Please see the attached list of commenters. To listen to the audio, please click this [link](#). Public comment begins at the 2:36:13 mark.

### **14. Meeting Debrief and Future Meeting Planning**

Deputy Director Windrope reviewed the tasks from the meeting over the last few days ([Begins at 3:22:41 mark](#)):

- Big Tent Committee's next request is to have a vote in April and post the revised science policy.
- The Habitat Committee has a significant number of ideas that they're going to try and schedule. The Fish Committee topics are already on the YAAG.
- The Wildlife Committee didn't have anything new to add outside of what was already covered the last few days.
- In the Call to Order, full Commission will hear the Wolf Rule. The delegation of petitions to the Director will be considered. Finally, the loop with the Tribes will be closed by sending a response letter to their request for government-to-government consultation.
- No actions in Open Public Input.
- In the Director's report, staff will start working with the regions to propose an engagement plan for approval by the Commission to satisfy the Wolf related bill with the Colville Confederated Tribes.
- The Land Transaction was approved with no further action.

- Appreciation was given for L.T. Murray.
- The petition for the Steelhead bait ban and date change was denied. The request is that staff will continue to work on a statewide plan.
- The petition for yellow perch was delegated to the Director for rulemaking.
- The petition for creation of Eastside and Westside deer tags was denied with no additional tasks.
- The Orca Whale PSR was maintained with no additional tasks.
- Staff will review the Wildlife Committee's recommendations as articulated by Commissioner Smith and offer their advice at April Commission Meeting, at which point a decision will be made on how to proceed with cougar rulemaking. Commissioner Linville requested that staff provide a recommendation as to what cougar harvest should be based on the scientific information presented. Commissioner Baker clarified that there was an agreement that additional time be set aside at the April meeting for cougar rule making (2 hours), and that the proposals made by the Wildlife Committee will be vetted by policy staff. She further suggested that staff work with a group of the Commission members to develop a short and high-level agenda that will be presented to the full Commission to see if there is any objection to avoid the conversation spiraling, resulting in no forward progress made. The Commission briefly discussed before deciding that Chair Baker, Vice-Chair Ragen, Commissioner Anderson, and Commissioner Smith would be the members meeting with the Deputy Director and Eric Gardner. ([Begins at 3:24:35 mark](#))

The schedule for travel meetings and venues was reviewed. The Commission decided to change the October meeting to a travel meeting on the eastside of the state. Staff will develop a proposed schedule and circulate to the Commissioners for final review. Commissioner Linville requested that it be scheduled around firearm deer season. ([Begins at 3:36:05 mark](#))

Commissioner Lehmkuhl mentioned that he wanted to put a couple of topics he frequently hears mentioned to possibly taken up by a committee. First being, maximizing opportunity. He'd like to receive a clear definition that will be applied across the board. He also requested to receive some further information on Willapa Bay Management. ([Begins at 3:39:12 mark](#))

Deputy Director Windrope suggested that the Big Tent Committee take up the maximizing opportunity topic. She also reminded everyone that the Willapa Bay policy was discussed extensively over the course of 7 years before decisions were made and suggested that the information already on the record be reviewed. ([Begins at 3:40:24 mark](#))

Vice Chair Ragen mentioned that Commissioner Lehmkuhl's request is consistent with what he previously mentioned about topics that keep coming up or haven't been specifically defined well. He proposed that Commissioner Lehmkuhl and himself get together to propose some topics to the full Commission to take into consideration. ([Begins at 3:41:35 mark](#))

Commissioner Smith requested that the predator/prey research projects be scheduled for an update to the full Commission in the near future. ([Begins at 3:45:09 mark](#))

## **15. Executive Session**

This item was struck from the agenda and will be held at a future date.

The Vice-Chair adjourned the meeting at 11:58am



3/15/24 – Agenda Item 2: Open Public Input

In-Person Julia Zelman Kelsey Ross Joshua Rosenau Josh Caple Joe Verdoes Bruce Barnes	Zoom Ron Reed Gabrielle Gilbert Susan Kane-Ronning John Rosapepe Dane Czarnecki Mike Herz Rachel Haymon Jeff Holbrook Lloyd Little Hannah Thompson-Gardner Tim Coleman David Moskowitz Joy Markgraf Douglas Boze Cory Maxwell Patricia Arnold Ryan Garrett Shawn Kloster Gabriel Garza Rachel Bjork Will Christison Lynn Okita Jerry Lowdermilk Dylan Hendershott Clarence Rushing David Linn Dave Hedrick Spencer Burdick James Forslund
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3/15/24 – Agenda Item 10: Orca Whale PSR

Zoom  
Susan Kane-Ronning  
John Rosapepe  
Lloyd Lytle

DRAFT

3/16/24 – Agenda Item 12: Open Public Input

In Person	Zoom/Phone
Mike Herz	Kevin Dickey
Claire Davis	Dale Magart
Colin Reynolds	Don Peaker
Lloyd Little	Kelsey Ross
Jeremy Franz	Ron Reed
Jerry Lowdermilk	Gabrielle Gilbert
Dan Teeter	Susan Kane-Ronning
Marlisa Dugan	Dane Czarnecki
Ross Barkhurst	Rachel Haymon
	Hannah Thompson-Gardner
	Mandy Carlstrom
	Cory Maxwell
	Ryan Garrett
	Shawn Kloster
	Gabriel Garza
	Rachel Bjork
	Will Christison
	Ann Prezyna
	Dylan Hendershott
	Clarence Rushing
	Ross Sharp
	David West
	Nolan Andahl
	John Worthington
	Kirby Wendt
	David Linn
	Robert Sudar
	Josh Rosenau

3/16/24 – Agenda Item 13: Wolf PSR

In-Person Mike Herz Claire Davis Lloyd Little Colin Reynolds John Rosapepe Philip Lundahl	Zoom/Phone Dane Czarnecki Rachel Haymon Timothy Coleman Amaroq Weiss Adrienne Dorf Luke Mcleod Don Peaker Kevin Dickey Ann Prezyna Ilene Le Vee Dale Magart David Linn Tiffany Kumar Dylan Hendershott Julia Zelman
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