



Minutes

Washington Fish and Wildlife Commission

June 20-22, 2024 Hybrid Minutes

Attendance

Commission

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

Non-Staff

Jeremiah Bonifer
Tom Iverson
Brent Hall
Beth Gardner
Sarah Converse
Lisanne Petracca

Staff

Kelly Susewind, Director
Amy Windrope, Deputy Director
Joe Panesko, AGO
Jamie Caldwell, Executive Asst.
Tami Lininger
Rian Sallee, Region 5 Director
Nate Pamplin
Britton Ransford
Michael Garrity
Tom McBride
Morgan Stinson
Cynthia Wilkerson

Hannah Anderson
Eric Gardner
Anis Aoude
Stephanie Landry
Julia Smith
Ben Maletzke
Joel Sisolak
Dr. Donny Martorello
Kristin Kuykendall
Lisa Coffman
Julie Watson

Friday, June 21, 2024

1. Call to Order

Chair Baker called the meeting to order at 8:01am. She went over preliminary matters noting that Commissioners were all present in-person.

Commissioner's Discussion

Commissioner Linville noted that the Blue Mountain Raptor Rehab in Pendleton, OR has been asked by Oregon Department of Fish and Wildlife to not take in any other birds due to Avian Flu. She's hoping to gather some ideas for funding to the Washington State University for their Raptor Rehab program due to Blue Mountain not being able to accept more at this time. ([Begins at 0:43 mark](#))

Commissioner Smith supported the idea to look for financial assistance for all rehabbers in WA state. She also mentioned that four Commissioners attended the Washington Association of Fish and Wildlife conference at the Skamania Lodge. She also noted that she stopped at the Scatter Creek Wildlife area on the way to the Commission Meeting and encouraged other Commissioners to go view it as well. ([Begins at 2:45 mark](#))

Commissioner Rowland reported that the Methow Wildlife Areas that had been closed for the winter are now open and went right after it re-opened. She was surprised to find that there was a prescribed burn in the area to help control weeds. ([Begins at 4:43 mark](#))

Meeting Minute Approval

Commissioner Ragen made a motion to approve the minutes of the May 17, 2024 webinar and the April 18-20, 2024 hybrid webinar and Commissioner Lehmkuhl seconded the motion. There was brief discussion around the length of the minutes for the April meeting, and whether or not it was necessary. The

Commissioners decided to go over the topic again during future meeting planning. *The Commissioners voted unanimously (Commissioner Anderson excused); motion carried. ([Begins at 7:54 mark](#))*

Committee Meeting Updates:

Big Tent Committee

Committee members in attendance: Lehmkuhl, Baker, Parker, Smith. To review the full meeting recording for June 20, 2024, please click this [link](#).

Commissioner Lehmkuhl reported out that the Committee received an update from the Communications and Public Engagement Program (CAPE). A brief update on the Conservation Policy was given and it's currently on hold pending consultation with the requesting Tribes. There was a long conversation surrounding the draft Best Available Science policy (BAS). The Committee is recommending to the Commission that the BAS policy be revised again to focus on the core issue of what is Best Available Science and the associated issue of scientific integrity, and remove the parts of the policy that deals with process. Next step is to consult with the Tribes at a date to be determined, revise the policy, and Commissioner Lehmkuhl hopes for a final recommendation to the Commission in the early fall. Going forward, the plan is to continue to talk about the policies until they're done. ([Begins at 12:12 mark](#))

Habitat Committee

Committee members in attendance: Linville, Lehmkuhl, Ragen, Myers. To review the full meeting recording for June 20, 2024, please click this [link](#).

Commissioner Linville reported out that there is an upcoming Riparian Mapping program that will eventually be used like the PHS data is used and will be a very user friendly system. It'll map out all the Riparian areas in the state and given a value of how functional they are. The information will provide a ranking of how successful they are. The Committee also received an update on the agency owned and managed lands. ([Begins at the 17:45 mark](#))

Fish Committee – Special Meeting

Committee members in attendance: Anderson, Linville, Ragen, Parker. To review the full meeting recording for June 14, 2024, please click this [link](#).

Due to Commissioner Anderson being excused for this meeting, Commissioner Linville reported out that the Fish Committee meeting was held on June 14, 2024 to accommodate Commissioner Anderson's outside obligation. The committee is beginning to tackle the Grays Harbor Salmon Management policy and received a briefing on the topic. Once the policy is more refined, it'll come in front of the full Commission for review. There was also a presentation on American Shad in the Columbia River and their impact on the ecosystem. The Committee finished up with a presentation on the Resident Native Trout Harvest Management policy and it's in the beginning development stages. ([Begins at 21:00 mark](#))

Wildlife Committee

Committee members in attendance: Smith, Rowland, Myers. Commissioner Anderson was excused. To review the full meeting recording for June 20, 2024, please click this [link](#).

Commissioner Smith reported out on the presentation regarding the updated rulemaking for Beaver Relocation. She went onto update the Commission on the Cascade Red Fox presentation and the emergency rulemaking for the trapping of that species. She finished her update by touching on the presentation given by the Cougar Conflict Resolution Team. ([Begins at 27:41 mark](#))

Executive Committee

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

Chair Baker reported out that the WDFW Executive Committee met with the NWIFC Executive Committee to discuss the groundwork of our future relationship. There was a general discussion at the end of that meeting about consultation, resulting in a follow-up meeting being scheduled at the end of July, and will include representatives of the Governor's Office.

Chair Baker reported out on the second meeting of the Executive Committee, and noted that the Committee met again to discuss various issues. They reviewed the Commission's agreement that in order for a Commissioner to be able to vote on an issue, they need to be present at the table, outside of the agreed exceptions and needs to attend remotely (health or travel safety issue). The discussion included the possible need to memorialize the agreement in the Commission's Rules of Procedure. Chair Baker touched base on the discussion the committee had surrounding the petition process and possibly changing the presumption that the Commission goes through all the petitions, and are suggesting that the presumption is the petitions are delegated, highlighted at the meeting by one of the Commissioners or the Director, and have a Commissioner request to have a petition removed to be directly handled by the full Commission. So the standard practice would be to delegate all petitions to the Director unless otherwise requested by a Commissioner. She posed having the discussion to decide on the issue at a later meeting, but asked for a decision from the Commission on the four current petitions up for review. She briefly reviewed the topic of each petition and noted that the recommendation of the committee was to delegate all four to the Director. [\(Begins at 33:50 mark\)](#)

Commissioner Rowland commented that the Commission discussed this in a past meeting and she reiterated that she made the point that she didn't think the Commission should be delegating the petitions and that she's prepared to vote on the current petitions now and doesn't see a reason to delegate the petitions. She stated that the Commission hasn't finished the discussion of what should be delegated and what shouldn't be. She suggested that a motion be made to deny the currently pending petitions. [\(Begins at 39:21 mark\)](#)

Commissioner Linville stated that she would like to delegate the petitions to the Director. [\(Begins at 40:18 mark\)](#)

Commissioner Smith stated she was in agreement with Commissioner Rowland and felt that it's the Commission's responsibility and is prepared to vote on the currently pending petitions. [\(Begins at 40:33 mark\)](#)

Chair Baker commented that the Commission has an agreed upon process that the Commission had discussed to deal with the petitions now. The Commission should be deciding if they should be delegated or not. The "fail safe" to that process is that any Commissioner can request to pull any pending petitions off to have the briefing, discussion, explanation to why the Commission would opt to deny a petition. So for today, she suggested that the petitions be delegated to the Director, as it was the Executive Committee's recommendation, and that if the topic needs to be revisited, that it be revisited for future petitions. But to deal with these petitions directly in contrary to the current approach, then some time will need to be set aside to deal with them, and will need staff to be present, and go over each one separately. [\(Begins at 40:53 mark\)](#)

Commissioner Rowland commented that unlike the last time this was reviewed, this time there was a full report included, and doesn't see why a lot of time needs to be taken to discuss each petition. She questioned how it was different than delegating them to the Director because there is no public or Commission discussion by doing that. She felt the Commissioners were intelligent enough to read the petitions themselves, read the staff recommendations, and didn't feel that it needed to take a lot of time. [\(Begins at 42:37 mark\)](#)

Chair Baker commented that the current agreement is that the substance of the petition is highlighted, and any member of the Commission can pull it from being delegated. She stated that this is one way to continue to deal with petitions. Alternatively, the Commission can take a vote to delegate the petitions or not, and it goes against the current practice, but would shorten the discussion. She noted that whatever the decision is will not be made today, because the current conversation is cutting about 20min into public input, which is the priority. [\(Begins at 43:24 mark\)](#)

Commissioner Rowland commented that it wouldn't be necessary to do today because she was prepared to vote to delegate the petitions to the Director. She reiterated that she is bringing it up for the second time that this needs to be discussed not just by the Executive Committee, but by the full Commission for future procedures. [\(Begins at 44:14 mark\)](#)

Chair Baker addressed Commissioner Rowland's comment directly to note that it had been discussed at least twice, including extensively at the retreat, that included the full Commission. ([Begins at 44:28 mark](#))

Commissioner Parker commented that yet again he felt that he was walking into the middle of an ongoing conversation. He went on to ask where on the agenda that this was identified that a vote would be taken on this and felt that he's again, walking into an ongoing conversation. He stated that he knew the Commission talked about delegating the petitions, but didn't understand that to be all petitions. He thought the Commission would consider them one by one, and there would be some worth the Commission's concern and that others would be delegated. He went on to state that he's concerned that the Commission doesn't seem to have the staff analysis of the petitions and a recommendation before the Commission is being asked to accept or deny. He felt like there was a process and he's not understanding that process at this point. He pointed out that it was possible he wasn't tracking things like he thought he was but he also felt that this has taken him by surprise. ([Begins at 44:44 mark](#))

Chair Baker commented to clarify that the process was set up a meeting or two ago, was that the Executive Committee would go through the petitions to make a recommendation as to whether or not they be delegated to the Director or not. The recommendation would come up on the agenda during the committee report outs. Currently, the Executive Committee recommends delegating the four pending petitions. She went on to say that the committee went further beyond that conversation and came up with the idea to delegate all petitions with the Commissioners having the option to pull any off that they would like the full Commission to consider. She stated that this was the current situation, and the Commission could change it, but that's where they're things are at this very moment. ([Begins at 46:30 mark](#))

Commissioner Smith commented that she agrees with Commissioner Parker that there isn't an agenda item specifically about this topic, and in fairness to the public, wonders if these petitions can be delayed until the webinar or if the Commission is under a time crunch. ([Begins at 47:22 mark](#))

Chair Baker clarified that the Commission is under a time crunch and a decision needs to be made today. She stated that this will be covered with a bunch of other topics at the end of the meeting tomorrow and asked that the Commission be efficient in getting this done due to travel arrangements of a couple of Commissioners. ([Begins at 47:38 mark](#))

Commissioner Smith requested for the benefit of the Commission and the public, that they receive a quick summary from staff, and a recommendation on the current petitions, so the public knows what they're doing right now. ([Begins at 48:00 mark](#))

Chair Baker responded that she's pretty sure that they could do that, but the problem is that the Commission not only has to get the explanation from the staff on the record if they don't delegate, but they also have to avoid arbitrary and capricious rulemaking, by clearly explaining in the record why they're denying a petition. ([Begins at 48:14 mark](#))

Commissioner Smith requested to make a clarification. She began by stating that she's ready to make a decision on delegation for these petitions, but the public doesn't have an idea about what the Commission is doing and that concerned her. ([Begins at 48:55 mark](#))

Attorney General Panesko stated that in terms of these four petitions, yes and they had this discussion last on the petition process, is when he advised that the Commission needed to get on the record the reasoning for the decision. With these four, he's seen some of the staff summaries. He stated they're very high level and not intended for report-out to generate a Commission vote on the substance of the petition and are really thin. He went on to say that if they're delegated to the Director, that staff would work with the Director to build a more robust record, which is what happened with the last set of petitions. He stated there was a more robust record created in front of the Director before the Director made the decision on the petitions. He stated that if the Commission decides in the future they don't want to delegate the petitions, then they'd be back to the previous process, where staff provided a recommendation on each individually and reporting out to help create the record to defend any decision on each petition if the Commission voted on the petitions themselves. ([Begins at 49:15 mark](#))

Chair Baker went on to acknowledge that all the Commissioners had received the staff reports that Attorney General Panesko mentioned and are in everyone's email. She recommended that Commissioners look for those emails prior to coming into Commission meetings. ([Begins at 50:24 mark](#))

Commissioner Linville commented that all the Commissioners had the opportunity to look at those, and one thing she found frustrating, was that because they did have the opportunity to look at them, that the chance/opportunity to raise concerns should have been done after having reviewed the petitions and summary sheets. She went on to state that it's become very difficult for her to sit at the front table and have surprises that she has to think about on the fly, that then undermines what the process is that was her understanding they were going to go through. She stated that there seems to be confusion around the process, which she doesn't have a problem with because that can be worked through and figured out. She also stated that when there's a process in place, and it get pulled from underneath them, that she finds it hard to come up with a thoughtful and meaningful response around it. ([Begins at 50:48 mark](#))

Vice Chair Ragen commented that in the interest of time, that he suggests that the Commission delegate the four petitions and save future time at the webinar to have this discussion. He felt going on about it now was unnecessary. They could have the record in place and a broader discussion in the future. He felt that kind of personally responsible because he was going to outline the process and bring it back to everyone. He said he's still going to try and do that by the next meeting and not this one. He made the statement to go ahead and delegate and get back to the current agenda topic. ([Begins at 52:04 mark](#))

Chair Baker asked if the Commissioners agreed with Vice Chair Ragen's suggestion and all were in favor. She stated that the four petitions are delegated to the Director and the Commission will have a discussion at a future time to get really clear on how they'll be handled going forward. ([Begins at 52:46 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 53:15 mark.

Chair Baker apologized to the constituents on zoom that planned to provide public input but were unable to due to time constraints because they had to move onto other items on the meeting agenda. She reiterated that the Commissioners don't engage much in public comment while constituents are testifying, unless it's a burning question that can't wait. She requested that any Commissioners that have a rebuttal to comments made, do so at this time. ([Begins at 2:03:20 mark](#))

Commissioner Lehmkuhl commented that as usual, there was a lot of things to comment on, but can't get to all of them. For clarification, in regard to the petitions, the Commission isn't denying the petitions. They were just delegated to the Director to make a decision on and fully document the reason for why the decision was made. He noted that there were a lot of comments on issues with wolves, and the Commission is going to have a full discussion about on Saturday. He offered some bullet points on the topic to keep in mind. The discussion isn't to delist wolves, it's simply downlisting, and the protections will remain. He went on to state that they're not talking about hunting and that it seems that a lot of people are confusing the issue at hand. It's not about recovery, it's simply about listing status. The state recognizes that wolves weren't recovered in the state and it was clearly stated in the PSR. He said that people appear to assume that the listing status means a reduced commitment to recovery and he hasn't heard a department representative mention a reduced commitment to wolf recovery in the state. Another issue is that he's heard there is science that indicates that wolves are seriously threatened. He asked that if anyone has that evidence to please provide it to him, because he hasn't seen it yet. He stated he's heard a lot of hypotheses and speculation but would like the science that's been mentioned. Lastly, he also touched on comments made about the wolf plan. He's heard comments that the objectives in the wolf plan haven't been met and feels that the Commission is being asked to abandon an adaptive management plan and go back to a plan that was developed with data from other states, and clearly stated that as we clock data, we will adjust how wolf recovery is looked at. ([Begins at 2:04:18 mark](#))

Chair Baker commented that she wanted to acknowledge that the Commission completely understands how passionate people are about all of the issues brought up. She noted they used to hear a lot about fish and

right now are in a cycle about carnivores. She stated that it didn't matter that much what the species is, and that the Commission has passionately engaged constituents. She went on to state that the Commissioners are also passionately engaged, even though they present with poker faces that occasionally break. She explained that the Commission doesn't engage in civil discourse, but that they appreciate the fact that members of the public can come up to speak. Her hope is that everyone understands the need for things to be kept tamped down. She also stated that it's helpful to know and is really productive, is to receive feedback on how they can alter/fix what the issue is so suggestions can be taken into account. She wanted everyone to know how valued productive testimony is. She noted that today's testimony was remarkably calm despite the passion involved. The one thing bothering her for a long time is that the Commission gets tagged with things they can't fix. Grizzly Bears was one topic brought up, and noted that it was a national issue, and not something the Commission is addressing. She requested the Director Susewind to correct her if she was wrong, and he noted that it was a federal effort and the agency is in a technical supportive role. She went on to say that the Commission has received a bunch of criticism on Black Bears. The process at which that was determined to curtail and not do spring Bear Hunting unless certain conditions arise. She explained that the Commission went through about a year and a half of agony related that decision, and at the end, the Commission revisited the decision by spending a day-long focus on structured decision making process. She requested that if process is going to be a discussion, to talk about the whole process, not the just the portion considered to be a problem. She also noted that rulemaking was opened on both cougars and bears. The scientists were ready, and it took two months, but all the current science info was received on cougars so that's what the Commission is working on right now. The Commission won't receive the science data to be able to make changes to the bear season this season, so the Commission will still be working on that. The science team is still working on gathering the data. Unless something big happens between now and August, the Commission won't be able to address that issue before the season begins. ([Begins at 2:06:33 mark](#))

3. Director's Report

Upon returning from break, Chair Baker addressed the room regarding the volume of emails the Commission has been receiving lately. She noted that thousands of either identical or very similar emails have been received by the Commission. There are so many being received that the Commissioners aren't able to get through their emails or read all of them. She noted that the Commission is working through a process to deal with the large influx. She went on to say that if the emails aren't going to the public email portal, then staff are having a difficult time compiling all of them and counting all of them. She explained how the Commissioners are trying to sort through them to get them where they belong or if it's an email that needs to stay with them. She requested that anyone that has any suggestions on how to deal with the emails being received, to please submit them to the Commission. ([Begins at 2:11:12 mark](#))

Director Susewind and Deputy Director Windrope provided the Commission with an update on the positive feedback received from the WAFWA Conference. They went on to note the WDFW Annual Awards that were issued. ([Begins at the 2:13:59 mark](#))

Regional Director, Rian Sallee, gave a brief presentation to the Commission about the happenings in the area. ([Begins at 2:29:13 mark](#))

4. Resilient Columbia Basin Agreement – Briefing

The Commission was briefed by staff and Tribal members on the status of the Columbia Basin Agreement. ([Begins at 2:58:55 mark](#))

5. 2025 Agency Request Legislation – Briefing

Staff briefed the Commission on the agency requests for the 2025 Legislative cycle, noting that the agency request proposals were to increase the renewal fee for personalized license plates dedicated to non-game species preservation, and to increase efficacy of enforcement for fish and wildlife violations. ([Begins at 0:06 mark](#))

6. 2025 Operating & Capital Budget Request - Briefing

Staff briefed the Commission on the 2025 operating and capital budget requests. The capital budget presentation highlighted the minor works projects, the major works projects, hatchery improvements, and

the major projects draft of the 10-yr plan. The operating budget presentation covered the maintenance level requests, and the policy level requests that were broken down into the sub-categories of priority items, one-time to ongoing, and new items. ([Begins at 37:15 mark](#))

7. Land Transactions – Briefing, Public Comment, Decision

Staff briefed the Commission and requested a decision on the land transactions for the Hunter Mountain North Project, the Chesaw Inholding Addition, and the North Willapa Bay Estuaries & Shoreline project. ([Begins at 1:13:44 mark](#))

Public Comment: Please see the attached list of commenters. To listen to the audio, please click this [link](#). Public comment begins at the 1:30:09 mark.

Vice Chair Ragen moved to approve staff's recommendations for acquisition as presented and was seconded by Commissioner Rowland. The Commissioners voted unanimously (Commissioner Anderson excused); motion carried. ([Begins at the 1:31:47 mark](#))

8. Recreation Strategy for WDFW Managed Lands: Implementation Update – Briefing

Staff briefed the Commission on the implementation of the recreation strategy for WDFW managed lands.

9. State Wildlife Action Plan Update – Briefing

This item was struck from the agenda due to time constraints. It's going to be rescheduled for the August agenda.

10. Bald Eagle & Peregrine Falcon Periodic Status Review – Briefing, Public Comment, Decision

Staff briefed the Commission and requested that they maintain the status of Bald Eagles and Peregrine Falcons.

Public Comment: There were two people signed up to give public comment on the topic via zoom and by phone, but neither were present at the meeting.

Commissioner Smith moved to direct the department to maintain delisted status for both the bald eagle and peregrine falcon, recognizing that they are recovered populations and was seconded by Vice Chair Ragen. The Commissioners voted unanimously (Commissioner Anderson excused); motion carried. ([Begins at 2:45:46 mark](#))

11. Cougar Rule – Briefing, Public Hearing, Discussion

The Commissioner held a public hearing where staff briefed them on the proposed Cr-102 Cougar Rule. ([Begins at the 1:53:35 mark](#))

Chair Baker commented that the time for Commissioner discussion was extended due to some Commissioners were not happy with the way that they didn't have time to discuss either the result or the process of when the CR-102 was built. They need to at the end, stick around long enough to either discuss a process for figuring that out, or a discussion on the substantive issues they they'd like to see changed in the Rule. ([Begins at 2:49:22 mark](#))

Commissioner Smith asked the question that changing the rule at this point would probably require reissuance of the CR-102 unless they were very minor changes. ([Begins at 2:49:53 mark](#))

Attorney General Panesko answered the question by stating generally, if there is a substantial variance, then they might need to go to a supplemental CR-102. Making those determinations varies highly depending on the facts of the circumstance. He offered to provide an attorney/client privileged analysis of that for this situation behind closed doors, but explained that it's not a black and white. It's a broad continuum that is very fact dependent, depending upon the rules. ([Begins at 2:50:10 mark](#))

Commissioner Smith stated that Attorney General Panesko just made that statement several times before, that anything beyond minor changes could trigger a revised CR-102 ([Begins at 2:50:45](#))

Commissioner Linville commented that because it was her that was frustrated with the process that she wanted to share that this is exactly what she was upset about. She isn't really sure what the point of hearing the rest of the Commission's opinions are on this, if it can't be changed anyways. ([Begins at 2:51:05 mark](#))

Chair Baker replied stating that it can. The CR-102 can be changed. The question is the scope of the change, and that will be discussed tomorrow. But many of the changes that they've received talked about, or the suggestions they've gotten, have not been monumental changes to the proposed rule. She went on to state it was a continuum. She added that when they were setting this portion of the agenda up, they asked the staff not to go through the 60-slide long briefing that they've had a couple of times. Staff are going to give an abbreviated briefing of what they've heard before, which means that if there are unanswered questions, then there needs to be plenty of time for those questions. Just because Anis isn't going to give them 60 slides, doesn't mean they can't ask whatever questions are on their mind, and maybe the public testimony will bring more questions. ([Begins at 2:51:35 mark](#))

Anis Aoude, the Game Division Manager and Stephanie Landry, the Carnivore, Small Game, and Furbearer Section Manager gave a short presentation to the Commission on the Proposed CR-102 cougar rule. ([Begins at 2:53:08 mark](#))

Chair Baker stated that she had two quick questions. The first, when they looked at the chart of the cougar mortalities, there was a big dip in the middle and noted that she heard something not mentioned before, and that for a period of time when cougar hunting was permit only. ([Begins at 3:08:13 mark](#))

Anis clarified that it wasn't permit only statewide, but that there were areas that are the same areas that have high-harvest, and they were allowing hound hunting in those areas. So the NE part of Okanogan and other areas, there were permit hunts for hounds that was allowed by the legislature of that small period of the pilot. Often times when you have permits, you can only the number that are permitted. ([Begins at 3:08:28 mark](#))

Chair Baker went on to state that the term recommendation was used, and felt that Anis had done a very good job of explaining where they were, and where the rule, as written, would take them. She didn't recall hearing what staff's recommendation on the issue was and asked if staff had a recommendation. ([Begins at 3:09:07 mark](#))

Anis clarified that he couldn't say that they do because it isn't their recommended rule, and it's the Commission's recommended rule. It's a proposal for the public to weigh in on. But no, as an agency, they don't have a recommendation. They're working on a recommendation, and has asked them to wait on those recommendations, but that ship has sailed and this is where they are. ([Begins at 3:09:28 mark](#))

Commissioner Lehmkuhl stated that there were a couple of issues brought up that were in the opposition category, and he read in the comments that were submitted online and by email in particular. He thinks he knows the answer, but wanted to clarify that using the statewide density estimate, a commenter said that there was some sort of localized implied cougar population density estimates, and he didn't really understand what the commenter was talking about, and they'd said that staff had localized estimates for different PMUs. His understanding was the 2.3 was the statewide estimate and it was being used because there really wasn't any sort of on-the-ground research-based population estimates, and perhaps what the commenter was thinking was the density estimates in the 2019 options. ([Begins at 3:09:57 mark](#))

Anis stated that he thinks that what the person was referring to was the research project that's taken on in different places in the state. They obviously have estimates from those places in those times. But by themselves, those estimates are not strong enough to say that's what the density is, because densities do vary, even within those years, within those studies. So staff felt a statewide approach would be better because it's a larger data set, and it gives you a better estimate statewide. ([Begins at 3:11:20 mark](#))

Stephanie went on to add that there is also a special component to that, and that's they don't have estimates from across the state. So while they could potentially use localized numbers in very few areas, we can't adapt that to the rest of the state. Therefore, using statewide gives them a better medium to estimate to use for management, instead of trying to use very few temporally restricted estimates. ([Begins at 3:11:50 mark](#))

Commissioner Lehmkuhl went on to ask how long the season will be, when it will open/close. It previously closed at the end of April, and now it would close at the end of March. Some people argued in comments that well, you have a process for closing the season when you've reached the cap, so why not let the season run through April, because it's a prime hunting time, the weather is fair, there's snow on the ground a lot of times in some areas, so it's something for people to do. So on the other hand, he's also heard that it's kind of an odd thing, because it goes into the next regulation season. So, he's wondering staff's opinion on that. ([Begins at 3:12:18 mark](#))

Anis replied that the reason is there has to be a stop and start point, so when they can start counting mortalities. So, it made sense to start counting mortalities on the license year, because the license year starts on April 1st and goes to March 31st. He went on to state that it could potentially be different, but then someone has to buy a license for April to hunt April only. It does complicate things going into April, and for staff, it's cleaner to go to March 31st. If they wanted to have an April season, and that was the will of the people and the Commission, they could start the season in April, close it, and then open it again. The season would still be one year, but it would be disjunct. So, there's lots there, and they've been open through April, but only one or two cougars have been harvested, so it isn't a very big harvest month. So there aren't a lot of folks going out there, even though it might be pleasant to go out, it isn't usually good cougar hunting weather. ([Begins at 3:13:29 mark](#))

Stephanie went on to add that there is very little harvest in April. She stated it drops off in February, is low in March, and very low in April. ([Begins at 3:15:01 mark](#))

Commissioner Lehmkuhl replied that he really had no preference, but wanted to explore the pros and cons of the option, because some people had brought it up. ([Begins at 3:15:05 mark](#))

Commissioner Linville stated the stopping on March 31st makes logical sense to her. She was wondering if they could gain some opportunity with an August 1st start date? She asked if there are concerns as far as the department goes. ([Begins at 3:15:29 mark](#))

Anis replied that he wasn't sure if staff would have concerns, but it would probably be another low harvest month. Those folks that hunt cougars and know cougars, know it's better hunting when there's a little bit of snow on the ground, both for tracking and other factors. He said there is a potential, and he didn't think biologically they'd oppose it. But he didn't know if it was necessary. ([Begins at 3:15:57 mark](#))

Commissioner Rowland comment that the statement was made that this is a one-year proposal and wants to make sure everyone understood that. First of all, the reason they're trying to do this so fast, because they need to do it because there are those of them that feel it's an important thing to do based on the science. She went on to state that it needs to be done in time to set it for the season that would then begin on September 1st. So Molly, very sorry that it had to go fast, but that's the only way they could do it. She then asked about staff developing other things and wanted to know if they were developing anything they could look at and still do it in time for this season? She stated she's happy to look at an alternative for this season. But there's nothing that they can propose instead. ([Begins at 3:16:36 mark](#))

Anis stated that was correct and there was nothing that's ready yet. He didn't know if they understood, but the process internally is very rigorous, so they have to make sure that internally, everyone agrees with the approach. So if you take the diversity outside of the agency, they also have diversity inside the agency, so they're working through that process now. He went on to state he wouldn't feel comfortable sharing any of those ideas because they haven't been vetted properly internally. ([Begins at 3:17:43 mark](#))

Chair Baker reiterated again that it's not that the whole proposal is sunsetted, but it's one section that is, and that section allows a hunt to open between 13-20%. That's the only piece that sunsets. ([Begins at 3:18:15 mark](#))

Anis agreed and went on to say that once this rule is in place, that it can remain in place if the Commission wants it to be. If staff brought a proposal for next year, and they voted not to approve it, the existing rule would stay in place. So even though they hoping it's a one-year stopgap, it could be a permanent thing. ([Begins at 3:18:30 mark](#))

Commissioner Rowland thanked him for the clarification, and stated that in terms of what she was thinking about, it doesn't make a difference, because she wanted to ask if they're going to have whatever they're working on now, would he be prepared to provide that for the following season, so if they want to change it, they could do that with their information. ([Begins at 3:18:54 mark](#))

Chair Baker stated that most of our hunting is delegative, so they aren't experts at reading the charts. But when she was looking at the changes that this proposal would make, there was more than a few blank PMUs that were empty. So her question is that if they go to a statewide average on density, will those PMUs be filled in and will the hunting quotas/caps be attributed or can people hunt in those PMUs as much as they want? ([Begins at 3:19:26 mark](#))

Anis replied that those PMUs that don't have guidelines has nothing to do with how the guidelines are calculated. So the percent that's density and the percent that's population. The reason they don't have harvest guidelines in those PMUs is because the decision was made that they're not cougar habitat or those were places they don't want to manage for cougars due to human density and other factors. It's basically the sound trough and the basin areas, which aren't really cougar habitat. Now, he doesn't want to let any cats out of the bag, but the proposal for future years might include those with guidelines in them. Obviously this proposal from the Commission came in a bit of a hurried fashion, and staff didn't feel comfortable putting words in the Commission's mouth, by putting guidelines in those PMUs and it would require some work to do that. ([Begins at 3:20:08 mark](#))

Commissioner Myers asked the clarifying question that with the current CR-102 has the goal of 13% harvest, and pre-2019, it was 12%? Anis clarified that it was 12-16% and was a guideline, but 14% was the mid-point, with 2% on either side. Commissioner Myers stated that we're still in that range and is very similar in terms of a rollback. He asked staff to confirm his understanding that when Montana adopted our model that came into play in 2010, which we're rolling back to more or less, that their harvest guidelines were 12% and they still continue today? ([Begins at 3:21:30 mark](#))

Anis stated he couldn't confirm it because he didn't know where Montana is at with things. He also stated there is a difference though between Washington and Montana because Montana uses hounds, and houndsmen are more likely to take males than females. So, they won't have more latitude in their management than we do. ([Begins at 3:23:01 mark](#))

Public Comment: Please see the attached list of commenters. To listen to the audio, please click this [link](#). Public Comment begins at the 3:23:28 mark. **Note: The Public Comment period for this topic was extended to June 24th at 5pm for those individuals signed up on Zoom only, due to time constraints, and not being able to get through all the commenters that signed up.**

Chair Baker noted that the Commission much appreciated everyone that came to give public input. She concluded public testimony and reminded everyone that signed up via Zoom will be given the opportunity to provide their testimony in writing until 5pm on June 24th. ([Begins at 4:24:02 mark](#))

Chair Baker went on to comment that this CR-102 was based on science that was presented to the Commission and the reason they got caught in the time crunch they're in, is because they had to wait an extra month for the last part of the science presentation. So, they were in the catch 22 of pushing forward, and then there would have been the accusation they didn't hear all the science, and disrespect people that had spent almost 6 months working on it. The alternative was to wait a month, and they barely had enough time by waiting, to get this done in advance of this season. That was another thing the Commissioners

disagreed on. But some of them, herself included, felt they needed to get the changes that were going to be made, done in advance of the season, with a time lag built in so that staff might come up with, and they don't know what they are. So that's why the amendment to go up to 20% was to provide more opportunity if the 13% cap has already been reached, was offered. She went on to comment that they received hundreds of suggestions on how to improve the CR-102, and they have scheduled to have the vote on this in July. So, what she needs to hear from Commissioners is how they want to proceed. She said there are options, like talking about changes they'd like to see, and have staff assist with writing them into a motion. They can talk to specific groups or people that have talked to them today to fine-tune things. They could go with the CR-102 as it is. They could schedule some extra time for themselves if they need to have more discussion. She offered to continue throw out ideas, but she reiterated that she needed to hear from others how they'd like to proceed on the issue. ([Begins at 4:25:18 mark](#))

Commissioner Parker stated that he's not really sure how the process is supposed to work as it's the first one for him. He offered to throw out some ideas to see if they make sense at all. He said he's got some ideas he'd like staff to take a look at, and bring back an analysis to the full Commission, to see if it will fit. To back up a little bit, he said it was wonderful to have the children come up to the table and allow them to look into our future. And the reason they're doing this today is more for them and less for us, and it's important to keep that in mind. Having children in the audience brings them face to face and wants to encourage that when it's possible. He wants everyone to remember that at all times while doing deliberations. He isn't sure if they'll be able to be able to change the CR-102 very significantly in terms of arbitrates. So his goal is to do this in a way that what they think is best for cougars for the long term, that inflicts the least amount of paid on the people who go into the woods to hunt cougars. In circumstances like this he likes to do the risk assessment, and this one is simple. If they're overly restrictive in what they do now, the consequence of that is more cougars in the future. If they do the other thing and overharvest, then they've left the future generations with less benefit than they have today. He doesn't believe anyone is interested in doing that when take that into consideration. He felt it was clear to him that they could argue about what the science says, or doesn't say, or what the appropriate rate is at 13% or 16% or some other number. But he's more concerned about making sure that they have done the best they think they can do for cougar populations now and in the future. Also doing the best they can do for the hunters who are intent on hunting cougars. In that regard, he'd got a couple of questions he'd like to get answers to if this is how the process works. ([Begins at 4:28:28 mark](#))

Chair Baker let Commissioner Parker know it was absolutely fine to pose questions of staff, especially if he felt that having those answered would help improve the document. But she pointed out that it was 6pm on a Friday night, so she suggested he put his questions in writing. Commissioner Parker asked her to clarify if he should go to staff privately and not at this time. He apologized for taking a lot of time and proposed a couple of ideas he had. The first, would be to move the start time from September back to August 1st to see what that means in projected take. The other, is most of the cougar kill is incidental to hunting for something else, and he's heard that it's really cheap and easy to get a cougar tag in the license package. So he'd like an opinion on what difference, if any, to pull a cougar tag out of the license package, and make it a separate application/process so that those who are intent on hunting cougars could still do it ([Begins at 4:32:05 mark](#))

Eric Gardner responded to Commissioner Parker's suggestions by stating that adding the addition of August to the front end of the season, he stated it wouldn't change the guidelines, or the cap at all. It would still be the same number, but some of the removals might occur in that month they added on the front end. He didn't think that they'd be able to easily judge how much of that transition would occur in that month because they don't have the history of that opportunity having been provided. He said it might provide more days on the ground that a season could be opened. But if the harvest occurred there, it would still count towards the total. It wouldn't change the cap, it would just move of the harvest to a month earlier. It would be hard for staff to say how much of that to actually occur and asked if that answered his first question. For the second question, there are lots of things staff could explore. When staff came forward with the framework that talked about the change in intrinsic growth rate and the desire to include all forms of mortality, what he's asking are the very things the team of people who are working on options, are trying to explore. And that's why staff said at the time that the recommendation was to deny the petition so staff could do that work and staff weren't prepared to deliver that work right now. He went on to state that there are certainly options like that the Commission could consider, from changing season date, to opportunity

cost, what it's packaged/bundled in, the time of the year if you're promoting late season and you're targeting people that really want to hunt cougars vs. the opportunistic hunter. Those are all things that can be considered, but they take a little time. He reminded the Commission that they received the download on the framework at the same time they did. Everyone got the new science the same day. So it takes time to evaluate that and assess things, so that's where staff are at. He thinks the questions are good and the types of things staff would like the time to explore. Regardless of the outcome of this particular rulemaking, staff would like to explore those and that's what Anis has talked about coming back with alternatives in the future. ([Begins at 4:33:55 mark](#))

Anis added that maybe the cost of the cougar license isn't dissimilar from any other license. It's not like they're being given away. There's some packages that incentivizes people to package things, but that doesn't make it easy to get a cougar tag. Cougar tags are over the counter, general season, so if someone chooses to buy one they can buy one. The intent is to package them to make it easier to buy things together. It is a savings, but it's not intended for people to buy more cougar tags. It's something staff can consider, but he didn't think it would be that much of an influence as far as how many people end up buying a cougar tag. He didn't feel that the few dollars a purchaser would see in a price difference was enough to incentivize them to buy a cougar tag in their package. It's a thought, but people sometimes overestimate how much easier it's made. It's motivations, not cost, that really drives how many they sell. If they offered cougar tags during dear season, most hunters are going to pick up a cougar tag. ([Begins at 4:36:47 mark](#))

Vice Chair Ragen wanted to speak to the recent points that Anis made. Two things struck him as particularly important. The first is that staff will be looking at something else, somehow to improve the management strategy for cougars. That's something that should be ongoing and always looking for ways to improve. He'd welcome that and would be shocked if that wasn't being done, as it's part of the job and he appreciated it being done. The other comment said was consistent with what the Commission has said up to this point. The boundaries are not hard and fast to decide, but he felt that staff genuinely tried to reflect the will of the Commission, or at least the voting majority, in the direction that was laid out. He felt that by waiting for the science, which admittedly the staff didn't hear it before the Commission did, so he felt right now he felt he could say they had the best available science on the growth rate. He went on to say that there may be better ways to get at that, but for now that's what they have. Ultimately they're talking about the biology of the population, and it boils down to accounting. Their growth rate is a good indication of what they can tolerate for removal. If better ways are found to get at that, it would be great. What he was trying to point out is that there will be new ideas, things to look at, but he felt they were making a shift towards what was a more demographically solid foundation for managing them. He'd welcome new ideas down the road, but he thought that they need to be ideas that are explored in terms of some of the parameters already talked about. He wanted to emphasize that it wasn't a quick and hurried process. But he also appreciates that he felt staff thought through it to a great degree too, and the scientists configured it to it. He'd like to think they'll be making a step in a good direction, but it won't be the last step, and they'll be walking on the path for a long time. ([Begins at 4:38:07 mark](#))

Commissioner Linville commented that she heard the Chair ask was what we as individual Commissioners want to do moving forward. Chair Baker clarified she asked for suggestions as to a good process. Commissioner Linville went onto say that the Commission received the best available science, and she agreed with the analysis that it was received. What she heard is that three of our scientists say after spending several hours with them, was that there was no emergency. Given that best available science, so her preference for how to go forward would be to have the process that staff are talking about. Given that what she heard was there was no emergency. ([Begins at 4:40:59 mark](#))

Chair Baker commented that what she's trying to do is translate the comments into ways to improve the proposed regulation or the process. She said she's going to assume that Commissioner Parker may be working with staff on a motion or two, or not, as it's his option to elongate the season and whether the Commission changes the licensing. She didn't believe it was going to happen this time, but it was something being considered. She noted the Commissioner Linville could either vote against anything they came up with or have another amendment when they have the next iteration of this proposal. She wanted to acknowledge that it's not like the Commission has been sitting around while discussing with the scientists, who are different than management, but very coordinated. The Commission wasn't sitting around and were processing the issues. The staff worked with Commissioners in very good faith to try to come up what she's

calling the compromise. That compromise tracked on many of the things included in the motion. There were two pieces, at least one big one, of the "compromise" that the Commission didn't agree with, and needed to have a unanimous vote on that. She thanked staff for working hard, and upper management as well, and for their assistance. She stated they spent hours and can't remember that happening again. Cougar management, with a couple of glaring exceptions in her mind, which is why she'll support the CR-102. She stated they all want the same thing and isn't a major change, or major diminution to cougar hunting in the state. What it is, is listening to the scientists, that did say, she believed used the term emergency or urgency. She went on to state that the scientists did say that the more cougars removed from a PMU, the higher the risk goes for social disorganization, and they used the numbers 24-26% for the risk is getting high. So that was the foundation and the Commission needed to figure out what they needed to do when there are PMUs that are exceeding that number several times over. Especially, what does the Commission do, because those are also the PMUs that there are conflict issues, and is there a correlation. To some of the Commissioners, at least a little more than half, the numbers of cat that were being killed in a few places, along with the two-season, and only checking in on tracking mortalities twice a year, was the big deal. The things that are changing, she isn't sure there is any disagreement from anyone. She stated she always sounds like a Pollyanna, but she wants everyone to understand that this is trying to manage better rather than to manage or less across the state. If there are ideas from any Commissioner to make this proposed rule better, then it should be turned into a motion and discussed. If not, then they should be open to whatever the next iteration of cougar management is. She reminded that they opened rulemaking for bears and cougars. They waited for the science on cougars and don't have it yet for bears. So, they aren't going to jump the gun and reduce bear hunting this week, next month, or anytime soon. They'll be waiting for the science, which she's heard they'll have by the end of this year or early next. But will have in advance of 2025. ([Begins at 4:42:30 mark](#))

Commissioner Lehmkuhl commented that his preference would be to proceed with what they have right now. They have started to replough ground right here. After 10hrs of sitting there, he's not willing to do it or engage fruitfully in it. He believes that if they start talking about changes to the CR-102, it's been talked about for 7 months. He said the Commission had their vote, and voted to proceed in this fashion, and believes they should just do it. He thinks that minor changes could be made, but the only minor changes he can see being made to it would be the season length, like beginning in August. But if they start talking again about what the threshold is, or what the cap is, and various other things...He felt the Commission had talked about it endlessly, and doesn't feel that people's positions are going to be changing any. So, he thinks that they should just proceed. If there are minor changes, then they should be submitted to the staff for summarization to the Commission. ([Begins at 4:47:59 mark](#))

Commissioner Smith commented that she agreed with Commissioner Lehmkuhl. She felt the Commission has had so much discussion about this, but there is an area they haven't discussed much, and yesterday at the Wildlife Committee meeting, they had a presentation by the conflict reduction staff. She went on to say that they all recognize that part of the higher mortality rate per PMU is because we have had an increase in certain PMUs with conflict removal. She feels they need to look at why that is and are there ways to reduce that. So they're simultaneously looking at the rule, they're working with staff to look at ways to do a better job on that. She felt the department and Commission are committed to investigating all those ideas. So, when the hunters say, 'hey, you're punishing us' or 'increase conflict removals', she hopes they don't see it that way as punishment, but that that Commission needed to look at all the causes of cougar mortality, so they can keep the 13% growth rate so they can keep a healthy population at that level. The Commission isn't in disagreement of the basic facts of the 13% growth rate, to count all independent aged cougars, the 2.3 cougars/100 sq. kilometers...all those facts pretty much line up across the board. Some of the other areas is where she feels they need to work on, but she felt it needed to be done outside the context of this CR-102. ([Begins at 4:49:28 mark](#))

Commissioner Myers commented that this was his first round and would say at this point, that the Commission holds the course on the CR-102. Unfortunately, what is likely to happen, is that there will be some reduction in hunter opportunity, and that concerns him. He knows that staff has little time to look at some ways to mitigate that. It's done with deer and elk regularly. Hunters are used to address damage situations. As the Commission discussed, it's going to be more difficult with an apex predator and how they deal with that. As he's said recently, he believes they should think outside the box, and would hope that if our cougar hunters have ideas, that the Commission would like to hear them. The last thing he really wants

to have happen, but it's going to be an unintended consequence, because he really thinks it affects hunter opportunity. He really felt they were doing the right thing by counting all the dead cats. He thought that staff were being diligent managers by doing that. In a way, he felt this could almost be viewed as an experiment. They have some background because of the way the season was structured through the pre-2019/post-2010, and if you look at that and the data that was presented, you see that hunter harvest were not the problem, and it isn't. The big question is that isn't known, and he doesn't know if it will be able to be answered or not, but previously research has suggested that an excess harvest of cats that was brought on by the number of damage situations in certain areas as a result of immigrants. He also thinks that what Dr. Brian Kertson said is that in some cases, the damage situation is like mom loading the kids in the van and going to McDonalds. If mom has cubs, she's going to the most reliable and easy food source. So, it's a complicated problem and he has faith in the staff to give it their best shot, and this is where they're at right now. He went on to say that maybe they'll go a different direction in a year from now. He also hopes this is viewed as a lesson in process and that a better job is done in the future. But, what they did do was listen to the scientists, and in some ways there isn't an emergency, but we'll see if it's the right thing to do. The research is behind them on that. The other big thing that happened as a result of this that he sees as a former wildlife scientist, is the fact that a state agency was able to look at a previous study and reanalyze the results of that work as well as using newer data, and validated the same results. That has given him more confidence in moving this direction. ([Begins at 4:51:52 mark](#))

Commissioner Linville commented she feels like she sees the writing on the wall. What she wanted to offer up in this moment, because they're in the moment and will move past this, so it'll be hard to identify this moment in time. For her, one Commissioner, she didn't hear a staff recommendation on this, and when she thought more carefully about that, she thought she did hear a staff recommendation, and that was to deny the petition. When the Commission went against the staff recommendation, she just wanted to honor the fact that it puts staff in a very awkward position and wanted to highlight the moment to say that it didn't go well from there. She hopes that they can figure out how to not get themselves in this position again, as it didn't work for her as one person. She also wanted to identify from her perspective, is that when they don't have a staff recommendation, then they have individual Commissioner recommendations, and that also doesn't work for her. She felt she didn't get to be involved in making those recommendations, and felt that's where the discomfort comes from. ([Begins at 4:56:40 mark](#))

Chair Baker stated that where they're going to end this now, is if any Commissioner (obviously and forever) wants to talk to staff to make adjustments to the proposed rule, it will be completely welcomed. The other thing the Commission got in trouble with last time, was that they were really pushing hard on timelines, and the motions weren't written down before the hearing, and came out late. So, if you're going to do that, then please get a motion taken care of, whatever it is, and then the motions should be distributed to the Commissioners at least a week in advance of the hearing. She felt the topic should be left at that. When Commissioner Lehmkuhl said they'd been there for 10hrs, she thought he was exaggerating. But when she went back and counted it up, the Commission has been in this meeting for 10.5 hours, and feels that everyone is tired. Commissioner Smith interjected that she'd like some clarification on Commissioners needing to get their motions in, but she thought it was an awkward way to do it. She felt that they should anticipate that one Commissioner would be putting on the table to pass the CR-102, and then amendments to that would be what's in order. She wasn't sure how else it would be approached. Chair Baker told her she was right, and was just stating what she said in a different way. She went on to say that there may be a motion to ditch the whole thing. She wanted to learn some from past mistakes with her suggestion. She asked staff if they had anything to add before recessing. ([Begins at 4:58:41 mark](#))

Director Susewind noted that he did have a comment on the last issue, and that was that he appreciates the week and didn't feel it was enough. What was unique about this was that it wasn't a motion to pass a 102, it was a motion to pass this 102, which hadn't been seen as a 102 previously. If they're going to have a 102, he'd appreciate more than one week to analyze it and give the Commission a recommendation. Chair Baker clarified that she meant that the Commission receive draft motion language on this one at least a week in advance. ([Begins at 5:01:16 mark](#))

Anis Aoude commented that from the Game Division's perspective, is that they're working on a lot right now, and that amendments to this rule will make a big difference one way or another. So, staff's preference would be to not work with Commissioners on amendments. The 102 is what it is, and it would be better for staff if

it just got voted on so they could continue to work on the things they're working on. Instead of in the coming weeks, spending time on amendments that likely aren't going to change the world as we see it. Chair Baker replied that the Commission has to have the opportunity, but she felt the same way. ([Begins at 5:01:59 mark](#))

Eric Gardner commented that he wanted to support what Anis said, because he's conscientious of the workload and challenges that go with it. He'd caveat that with, this is the hearing and the decision is at the webinar in July. It'll be a different meeting that this. Despite honoring Anis' concern for the workload, that if there were going to be proposed motions, other than either deny or move forward with the petition. If there's going to be nuances or changes, they'd certainly like to know what those are ahead of time. But he didn't know what that translates to work and back and forth. He just wanted awareness of that, so they'd know what to expect, and the opportunity to provide feedback. The process is going to be a decision in July, and someone will be making a motion of some sort and other folks may be making motions to change that. He wanted to request a heads up sooner than later. ([Begins at 5:02:50 mark](#))

The Chair recessed the meeting at 6:33pm

Saturday, June 22, 2024

Chair Baker called the meeting to order at 8:00am

12. Open Public Input

Please see the attached list of commenters. To listen to the audio please click this [link](#). Public input begins at the 0:55 mark.

Chair Baker thanked everyone for coming and commented that it's really good the Commission gets out and when people who are from Clark County to come to see the Commission, that they normally wouldn't hear from. She appreciates them being members of the audience. ([Begins at 1:18:20 mark](#))

Commissioner Lehmkuhl commented that he wanted to clarify a few things with regard to wolves. A lot of the comments seem to think the Commission doesn't understand or value wolves in the ecosystem or part of the wildlife in Washington State. He noted that the Commission does care. He felt that a lot of people think the proposal is to eliminate wolves or reduce the population, or reduce the efforts for recovery. He stated that is simply not true. He felt that arguably, Washington has the most successful wolf recovery program in the western United States, and to say that we're going to abandon that by simply downlisting, and somehow this is a ploy to eliminate wolves in the state, he doesn't find to be true or right to say. He clarified that this is a good faith effort to continue our successful wolf recovery program, and we might disagree on the means to get there, but he didn't think they'd be reducing their efforts on behalf of wolves or people in Washington State. ([Begins at 1:18:43 mark](#))

Chair Baker Commented that she's glad that at least 2-3 commentators brought up the TVW interviews that were recently done. She wasn't going to go into detail defending what has been said or wasn't said, because it's pretty easy to verify what was really said and the context it was said in. Part of those interviews is to get the message out. TVW, which is pretty small potatoes in TV land, keeps track of what's going on, and they have noticed some conflict and possibly a cultural war happening here. Chair Baker agreed with that and loves the fact that they wanted to talk to the Commission, so Commissioner Anderson and herself went to the first interview. She enjoyed the experience and the moderator, Austin Jenkins, was very prepared. The Director did his interview earlier this week and will be available. If people are interested in these issues, she encourages people to watch the interviews. Next week, they'll be talking to a couple of the different sides in this 'culture war'. Her whole point in the interview is that everyone wants the same thing. At some point down the line, and she doesn't know when, they plan to talk to the Tribes. This is a four-part series in Washington focusing on the Commission, and is kind of a big deal. Rather than going back stating what was taken out of context, she encourages people to watch the interviews. The main thing she wanted to say, was a reflection of a constituent's comment. The comment was to use science appropriately, inappropriately, and maliciously. That struck the Chair because that's exactly why the Commission is working on figuring out the best way they can to set out how science is used and Commissioner Lehmkuhl is spearheading. The reason for this is because they have the difficult job of making changes 'around the edges' of the wildlife regulations in this state. Yet, people are afraid of what the Commission is doing, might mean. Not really

unhappy with what they are doing, but it means is a trend. That's where the culture war comes in. She stated that science needs to be used appropriately, that everyone in the state wants the same thing, which is healthy ecosystems and abundant natural resources that we can all use in our own way. She apologized for getting on the soapbox, but was tired of being accused of saying things she didn't say. Everyone on the panel gets accused of doing and saying things that they really didn't. She encouraged everyone to listen for themselves, but understand that every single person in the room wanted the same thing and they need to set their differences, suspicions, and conspiracy theories aside. At some point, everyone will have to work together and that's her dream. ([Begins at 1:20:13 mark](#))

Commissioner Smith commented that she just had to push back a little bit because she disagreed that they're in a culture war, and were more in a period of transition, and change can be difficult for people. Washington State, if they haven't topped it yet, they're close to it, but the state has 8 million people. Being it's the smallest western state with the biggest population, relatively speaking, that poses a lot of real challenges to those that are charged with managing the Stat's fish and wildlife resources, and their habitat. Habitat is the real threatened resource in the whole discussion. She wanted to encourage the hunters, fishers, and conservation groups to find the common ground. It's been done in the past in this state numerous times. Coalitions have come together because they care about wildlife, fish, and habit. She went on to say this is a little like arrow fiddling while Rome burned, arguing over how many cougars to kill her or spring bear hunting. Those are fairly small issues in the grand scheme of things. We are in an era of climate change, biodiversity crisis, and that is inarguable statement of fact. She believes that everyone in the room cares deeply. She wants to find a way forward in this new world. She doesn't believe it's a culture war, but a time of transition that's difficult for all of us. But a way has to be found through it. ([Begins at 3:24:53 mark](#)) Commissioner Ragen commented that he thinks the Chair and Commissioner Smith both made really good points and feels that they should take a break so people can ponder the points and think about them, since they're at the heart of what they're often trying to do. ([Begins at 1:27:03 mark](#))

13. Gray Wolf Periodic Status Review – Discussion

Chair Baker opened the topic by explaining the decision (vote) for the wolf PSR will be made the next meeting. She explained that the way the staff has been asked to proceed was similar to cougars by giving a brief overview of the PRS as presented to them and be available for questions. Staff will have a short presentation and then a discussion amongst the Commissioners. ([Begins at 1:28:32 mark](#))

Eric Gardner introduced the new Wolf Policy Lead, Subhadeep Bhattacharjee, to the Commission. ([Begins at 1:30:00 mark](#))

Staff gave a short presentation on the Wolf PSR. ([Begins at 1:31:38 mark](#))

Commissioner Smith asked the question as to whether or not the staff looked at the definition of Signification Portion of Range noted in the wolf plan and decide it wasn't valid? ([Begins at 1:51:10 mark](#))

Julia Smith addressed her question noting that the Wolf plan doesn't set the definition of Significant Portion of Range, but rather designates what staff thinks that the recovery of the species is looking at different criteria. You're looking at numerical, geographical, and other data. It doesn't define that definition, the WAC does. Commissioner Smith insisted it did, and Julia clarified that the Wolf plan is guidance to the agency about recovery, but it isn't the law that must be followed at the end of the day. The Wolf plan figures periodically into the Periodic Status Review in both the executive summary and final recommendation. It points out that southwest recovery region, which is why they're not recommending delisting wolves. She clarified that the WAC definition is what they follow in the process and the plan is guidance that is adaptive. ([Begins at 1:52:01 mark](#))

Commissioner Smith replied that she was confused and somehow stuck on the point that the Commission adopted the wolf plan per the WAC as the recovery plan, and in the recovery plan, she knows it does somewhere define what significant portion of the range is, that includes those recovery areas. She felt it is possibly a question for Attorney General Panesko, because they adopted it as the recovery plan and aren't using the criteria. ([Begins at 1:53:22 mark](#))

Julia responded that she thought a simple way for it to be put, is that staff have seen it as their job to follow the law, which is the WAC and follows a specific definition. However, the Commission has broad discretion to interpret and make their vote based on what they see fit. She clarified that was her interpretation and that the Attorney General may want to weigh in on something she's said. She reiterated that the Commissioners have broad discretion. The Staff's job is to interpret the WAC and what the biology means in the context of the definition. ([Begins at 1:54:01 mark](#))

Attorney General Panesko stated that he agreed with Julia's statement. The WAC is the controlling law, and the plan was adopted by the Commission, but it doesn't have legal force like the WAC. He went on to say that it also points out that it is supposed to be revisited internally by department staff as more information becomes available. Regardless, the WAC structure is superior to that and is part of the law. ([Begins at 1:54:37 mark](#))

Commissioner Smith stated she understood that and agreed, but the plan was adopted by the Commission per the WAC for an endangered species recovery plan. The WAC specifies that when you list a species, you have to develop a recovery plan per the WAC. That was this plan, so it just seems that the plan does have some wait of WAC law. ([Begins at 1:55:12 mark](#))

Attorney General Panesko disagreed with Commissioner Smith's understanding and clarified that it was just like a policy. When you adopt a policy, yes, it's adopted by the Commission, but it doesn't have the force of the law. Commissioner Smith thanked him for the clarification and stated that she still found it confusing. ([Begins at 1:55:39 mark](#))

Julia replied she'd suggest that the staff have to interpret the law, the biology, and then make a recommendation. They'll serve up the recommendation to the Commission, and they have the discretion to vote on that. ([Begins at 1:55:52 mark](#))

The presentation concluded with staff bringing forward the recommendation to reclassify wolves from endangered to sensitive status based on the biological status of the species and progress toward recovery, including consideration of data from the 2021-2023 annual reports. Julia added that the recommendation of reclassifying wolves from endangered to sensitive status, and reflecting on the public comments received, that it is so heartening to see how many Washingtonians value wolves in our state, and it reflects our own values. She felt that wolves are deeply important and invaluable to us. The downlisting recommendation has nothing to do with the wolf value. It has everything to do with their legal biological status. She reminded the Commission that they evaluate species all the time, and all the species are thought of in the same system, in the same context. The Commission has made many decisions to downlist and delist over the years. She used the Bald Eagle, Peregrine, White and Brown Pelican, otters, and Gray Whales as examples and stated they don't value the species any less because they were downlisted or delisted. It's simply a reflection of their biological status. The staff recommendation was based in part on population data that spans more than a decade. Due to some confusion over downlisting vs delisting, she clarified that this doesn't signify the end of wolf recovery in Washington State. Staff fully agree with the many commenters that wolves aren't recovered in our state. She reiterated that wolves aren't recovered in Washington State, yet they are recovering, and they're acknowledging that recovery. She went on to clarify part of the PSR, is that the staff recommendation is to observe the Wolf Recovery Plan target for delisting for at least 4 successful pairs in each recovery region, with at least 15 breeding pairs statewide for at least 3 years, or at least 18 breeding pairs statewide for at least one year, as stated in the wolf plan. It should be emphasized that these numbers represent only minimum criteria for delisting and not a population cap or ceiling that wolves should or ultimately should be managed. They believe these targets are available through natural recolonization to ensure adequate distribution of wolves throughout the state. Staff do not recommend delisting wolves at this time. ([Begins at 1:57:06 mark](#))

Commissioner Ragen thanked staff for the presentation and all the work that it reflects. He thinks it's important to recognize that there has been good growth of this population. He also felt it was important to recognize that there have been a lot of people around the state that have cooperated with this. When he looks at the numbers of conflicts in the regions, that number may be larger than we'd like on a percentage basis, but it's still relatively small. His understanding is that 80-85% of the packs don't interact and roughly an equal portion of the people in Washington have been cooperative to work on methods that promote

recovery. He thought it was important that they're learning about non-lethal measures. When he came onto the Commission, he made a list of non-lethal measures that he wondered about and it was in the 30 numbers, and he felt they've worked that number down to a substantially smaller number, somewhere around 5-6, of things that work under different conditions. That to him reflects learning and that is progress as well. He also felt it was important to thank the conflict managers because they do have conflicts that occur. But the fact that they have people working and focused on those, and are trying to resolve those, is important. As he always says with conflict management, is the willingness to step between two different opponents in a conversation and that's not easy to do. So he's very grateful to them. He is also a modeler, so he felt the work done with the modeling, represents real important progress. He particularly hopes that association with the university, Sarah Converse, and whoever else it might be continues. A model is a tool, you can experiment with it, you can test ideas, and generate hypotheses with it. You can attempt to validate it and it's useful for guiding research. So, from his point of view, the last thing in the world he'd want to hear is that staff are done modeling. Progression from gathering information, he felt was important. There is strong public support for wolf recovery and thinks that is all critical. There are differences of opinion and disagreement. Some of those still weigh heavily on his mind. Delisting and downlisting criteria he doesn't necessarily contribute to staff, and he isn't sure who was here when they were developed and were extraordinarily thin in his experience. He's seen listing of species in the 10s of hundreds of thousands endangered, and yet these criteria would allow for delisting or downlisting with just really small numbers. Look the world number over the list of endangered and threatened species, and we'd almost never say something so small is not at risk of extinction. So, he has concerns about those and he thinks that's an area that needs to be though hard about what they're doing and should we be taking a step back and looking hard at those to justify them. There is still a ways to go with recovery and aren't fully there. There is good progress being made and it would be really interesting to see as they move into the western part of the state, do we see the same patterns, and he hopes that they do. Animals colonizing those areas, people figuring out how they're going to live with them, promoting better movement because there is the Olympic Peninsula to consider and it's going to be more difficult. He thinks there is still a lot to be thinking about there. Part of that gets to the question of significant portion of the range. There are hotly defended and disagreed criteria or interpretations of what that means. On the one hand if you say the significant portion of the range has to be just enough to support a population so it doesn't go extinct, which he thinks is how it's used here, that could mean that you have lots of endangered species in small pockets, where you think that pocket is sufficient. It may be to keep that group of animals going. His personal experience with the act, is that isn't how it's interpreted to mean. It's interpretation is that it's goal is to mean ecosystem help, and that means all the ecosystems. Right now you can look at certain portions that haven't been colonized and can argue they aren't healthy yet. Significant portion of the range is an important issue. He also worries about the issue with concurrence with the federal government. One of the things they don't want to do with endangered species is fight back and forth with delisted, to downlisted, back to fully listed, and we've seen that with wolves. It's been a bit of a nightmare if you look across the country, not necessarily in Washington. He also felt there was a good question of, should we be looking at distinct population segments, but that seems out of reach at the moment given the laws. There are questions about the numbers used for the growth curve, and he doesn't question the work being done to try and assess them. He thinks it should continue. But when he looks at the understanding of what's going on in the Colville range, it's significant. There's come uncertainties about those numbers, how they're derived, and how they came about. Those question he thinks need to be resolved, and that may be one of the things to discuss when they meet with the Colville tribe. Lastly, he goes back to the model. He thinks there are places that need some refinement and could use some more testing, but it's still a valuable tool. All the things he has concerns about aren't criticism, as much as places to go to get a more solid foundation on which to make a good decision. That's what his hope is. He thinks about where we are, and would like to see us make really good decisions that not only says this is how they have recovered, but it is an example of how recovery should work. Washington State is exemplary in this country in terms of wolf management and thinks Washington could continue to be a great model. In many respects, he would like to see us resolve some of these uncertainties so we can make sure we are making the best decision. 14 years may seem like a long time, especially to someone who's younger. To him, it's a snap in time and isn't that much. We still really don't know fully all the threats with the implications of those might be for health, immigration/emigration, net movement across boundaries, etc. There are all things we can play with in the model and test it. He thinks that it would be useful. He's at this point because this is such an important species, that quite frankly is just hated in lots of places. He's used the analogy to rattlesnakes where he grew up, because people just hated them. We have an example that continues to show what recovery management is, and for him that means, working out

these things, coming to an agreement, not only because it answers certain questions, but also because he feels it'll build greater agreement within our populus about where we are and why we're making those steps. He thinks it's more of a challenge than it's been to this point because western Washington is different than eastern Washington, and there's going to be challenges. When he thinks about how he's going to vote on this, it's how do we make the best use of this opportunity to do this as well as possible, which is building on what you've already done. But where can we make improvements and then get to that decision. ([Begins at 2:00:13 mark](#))

Commissioner Rowland had the question of staff asking if they could talk a bit about other species that have downlisted or delisted when they haven't yet met recovery standards but are projected to meet those recovery standards in the future? ([Begins at 2:10:52 mark](#))

Julia responded that she's new to some this work, so she wouldn't be able to explain it as well as Hannah Anderson or Taylor Cotton could. But for a species to even have recovery standards is a little bit different for many of the other species even looked at. Many of them, staff don't have enough information to have recovery criteria in the first place. So for wolves, as Dr. Martorello said, we're lucky to have this abundance of information, that back in 2011 when the plan came about, there were recovery criteria designated. But that doesn't mean that recovery criteria never ever change, are never looked at again, or staff don't rethink about them after they have information that they have. She agreed with Commissioner Ragen that 15 years isn't a lot, but it's the length of time wolves have been in our state. With the other critters, staff don't have the recovery criteria to follow. With wolves, it's often times a best guess of here's what might look like, or could look like. And that's when you actually see things proceed and not we see this is how it is unfolding. ([Begins at 2:11:17 mark](#))

Eric added that recovery plans are just that, they're plans. They're built with whatever information you have at the time and you're best scientific informed estimate of what recovery will look like, and what it'll take to downlist or delist. The Commission in the past has as an example, sharp tailed grouse, looked at a department biological recommendation that came out, following specific criteria that were lined out in the recovery plan, and suggested that the recovery plan had missed an important concept, and wanted to reconsider the fact that downlisting was being recommended. Instead, opted to based on different information, to change that. Staff had to go through the process to re-do the WAC and get the comment to take it to endangered. So, it's germane to the question a little bit, not necessarily to the predictions, but when you're looking at existing numbers. With the wolf recovery plan, remember that it's pretty cookie cutter. There are 3 zones, there's specific fairly low numbers within those zones. The projection, if you made that, you would have a safe population that was no longer endangered with extinction. What we have today is just different than what the recovery plan predicted. We have significant numbers of wolves and packs in a recovery zone that wasn't anticipated in the initial analysis. So, when you do the modeling, and you look at that, we ask ourselves what does that mean to the species and perpetuity for projections in the future. We come back with the answer that we don't see a likelihood of extinction. It doesn't ever cross that zero, so therefore it doesn't meet that definition we have to respond to from the Commission's WAC. It's not exactly your question, but a recognition that the recovery planning process is just that, it's a plan, and as you go through that, you adapt and the wolf plan specifically calls for that adaptation and that's the place where staff are at with their analysis. Asked for again, by a previous Commission to do that work and the PSR. ([Begins at 2:12:34 mark](#))

Dr. Martorello commented that in regard to Commissioner Rowland's question, he didn't have that information readily available, but he can go back to bring it to her before the next meeting. ([Begins at 2:14:53 mark](#))

Commissioner Rowland commented that considering we don't know, it would appear to her that if you find new information that wasn't known at the time of the recovery plan, that the step would be to modify the recovery plan. Instead, staff have decided, oh no, that's not right anymore. So, what else isn't right about the recovery plan? Is it still in effect? Are we questioning it? Has there been any further discussion studies or whatever to say that this recovery plan needs to be changed in a few ways, and then, we will consider downlisting if this information continues to be correct. But to her, it sets a pretty bad precedent. What is the point of a recovery plan. She can see that it's a tough thing to write when the data isn't available. But staff did all that? They had the data, did a recovery plan, and it has criteria, and this hasn't met the distribution

criteria. It's met the numbers criteria, but it appears to her the distribution is just as significant. She'd think staff would want to look at the recovery plan and see what it says about that. If staff need to modify it to say, well, we thought we had to get distribution, but now we have a model that says we will at some point get recovered distribution, so let's downlist them now. She didn't feel that was good precedent from her point of view. ([Begins at 2:15:18 mark](#))

Eric responded that he'd like to say, that what Commissioner Rowland thinks staff should do, is what they're doing, but they're following the WAC. The WAC doesn't point staff to re-write the recovery plan. The WAC tells staff that when they list a species that they develop a recovery plan. It is your plan for recovery, and it says, do a 5-year periodic status review in order to update your understanding and knowledge of the species so the Commission can come in and determine if the status has changed or not. It does not direct staff to go back and re-do the recovery plan, it directs staff to do the stuff they've done over the last couple of years. So, staff are following that process. There is nothing in there that says go update the recovery plan. So, it is a plan and every 5 years they should be doing that. Staff haven't done it for wolf since the onset of the listing, but they have given annual wolf reports. The previous Commission looked at that information and said that they'd like staff to conduct PSR to tell us the current status of wolves and to do the model. Our state legislature helped fund that effort to do the modeling, so staff embarked on that, and that is the product being delivered today. If the Commission would like to, and he thinks it's in the future to look at the listing process and the WACs to provide clarity to check back in about the recovery plan and what's required. All of that can be considered, but it isn't the framework staff are currently operating under. ([Begins at 2:17:10 mark](#))

Commissioner Lehmkuhl commented that one of the core arguments the Commission has been hearing about against downlisting, is we're going to be reducing protections, and the best available science says that reducing protections leads to more poaching and human mortality. He asked staff if they think that they're in fact significantly reducing protections that will result in significant amount of mortality from poaching and other human caused actions that will either result in extinction, because that's what we're talking about in terms of the WAC, or delayed recovery in terms of reducing just the viability of the population, so we're not doing ourselves any favors with downlisting, were just defeating the purpose of delayed recovery? ([Begins at 2:18:53 mark](#))

Julia responded that the short answer, do we think downlisting would reduce our populations to the point that staff would be worried about extinction and delayed recovery, no, not in any way. To put more detail into it, things that are changing or would change with the reclassification to sensitive status, you're looking at lesser penalties for poaching, the ability of the agency to issue permits to livestock producers on public lands, and the forest practices rules not applying. She recommended they read appendix B because there's a lot of information there, and she'll touch on it briefly. The most important one of those, the most critical, is the wolf poaching. That is a huge problem for wolves everywhere in the world, regardless of listing status. There are some papers out there that say hey, if you reduce protections for wolves that poaching goes up. Some of those papers have been pretty heavily critiqued, and encouraged the Commission as good scientists of their own, to read all of the literature, read the literature that says that, read the literature that refutes that, and use their good brains to think about what they think about it. There are other papers out there that say pendulum swings, lawsuits, and things like that, that constantly cause the listing status changes that Commissioner Ragen is talking about that influence that culture of illegally killing wolves. What staff know from their experience here in Washington is that wolves have always been protected here. They've always stayed endangered, been federally endangered in the western two thirds. Our worst poaching incident that's been brought up several times, the poisoning incident, happened when wolves were state endangered. So, that's a horrific incident and she doesn't think it has much to do with listing status. Again, if you look at other wolf populations around the world, there are some with fewer protections, there are others that are also fully protected, and poaching still happens everywhere. Mexican wolf, the project that she has intimate familiarity with, experiences lost of poaching, and those are protected wolves. That's just something staff have to account for regardless of listing status. Maybe the most important thing she can say to the Commission is that predicating wolf protections on listing status is a house of cards in her opinion. It says they're only worthy of protection because they're endangered, meaning they're in danger of extinction. She thinks wolves are worthy of very steep poaching penalties at any listing status, and that is outside of this process. That has nothing to do with this process. There are RCWs that designate penalties for poaching and Commission WACs that designate these statuses. That's a legislative process, and there are some people

that understand the legislature on the Commission. If they want steep poaching protections for wolves, that's outside of the periodic status review process and has nothing to do with it. She encouraged the Commissioners to use the appropriate avenues to pursue protections for wolves. On the permit, Director Susewind can speak to it more as the issuer of said permits, and he can speak to the number of permits issued to livestock producers over the years for wolf removal in response to livestock conflicts. It's been exceedingly few. Most of the time because livestock producers don't want them. So, there is absolutely no reason to believe that yes, we could legally issue permits to producers on public lands. But these permits don't mean someone can go anywhere in the Colville national forest and kill a wolf. That's not how the permits read. They're very specific to specific areas that livestock are in direct relation to that conflict. That already occurs on private land and it also occurs on public land and it's our own staff doing the job. She is unsure how that is better than a producer permit. The forest practices rules, we as staff find them more detrimental to wolves than they are protected because it can almost be more of a big yellow sign saying 'here's a wolf den!' Staff don't love that and would love to see those rules change. ([Begins at 2:19:47 mark](#))

Commissioner Linville commented that she's had the privilege of working on wolves in Washington since 2014 and was on the wolf advisory group for 5 years before coming onto the Commission. What she hears when she hears folks being reticent about downlisting, she hears that their concern is they really want wolves to be protected and the concern is that if they're downlisted, then the camel's nose will be under the tent, and they'll be in trouble pretty quick. After working on wolves since 2014, what's really encouraging to her, and it's influenced a lot by what's happening in other states, and we don't want that garbage in this state. That doesn't benefit wolves, humans, or livestock producers. What she thinks protects wolves in Washington that's different in other states is the durable relationships that have been built over the years. That is the thing Washington has going for it that no other state does, and she thinks that is what is going to make sure wolves continue on in this state into the future. She felt strongly about it. She knows that she's never met anyone that cared about wolves than Trent and Julia and she could just hear them say they're comfortable with the listing and go with it, which isn't scientific. That's not what they did and did provide the science as well. She's personally very comfortable. She believes that the data absolutely makes it based on the RCW, it passes the blush test to go to sensitive. She is hearing people's concern about that. She would encourage fellow Commissioners that if they're not comfortable with the sensitive listing to at least consider the threatened listing. The reason she asks for that is she feels like she's acknowledged the concern about the protection of wolves, but also because she thinks we need to take a step to acknowledge the hard work that's gone into wolf and the progress. It's exciting progress that's been made. If we can't all get to sensitive, she can live with that, but she asks everyone to show some progress, because progress has been made. She just wants to also say yay to Washington State and yay team! ([Begins at 2:24:28 mark](#))

Commissioner Parker commented that Commissioner Ragen mentioned that there is some uncertainty about some of the recent numbers that probably needs to be addressed because that will be an issue until it's resolved. He asked staff if they can tell the Commission a little bit about any efforts to reconcile the numbers that are being questioned and secondly, can staff give the Commission a guess/assessment of how big an impact that uncertainty might have on the wolf status and the basis for the recommendation to downlist? ([Begins at 2:28:01 mark](#))

Ben Maletzke responded stating that he's definitely heard some pushback on the numbers from the Confederate Tribes of the Colville Nation, that the growth rate this year might be a lot higher than previous years. They have their resources, 6 biologists, and allocate resources to count wolves on the Colville reservation. Staff have built partnerships with them, and they share numbers with staff. So, staff doesn't have jurisdiction over how they count wolves, as they have their own wolf management. He values those partnerships and the ability to understand otherwise that's a big black hole on the landscape. The Commissioners have the numbers before them with those numbers. That's with the growth rate this year, overall for the last 15 years is 23%. Even if staff took out the numbers for the last 15 years and re-ran it, the growth rate would still be 20% for a geometric growth mean over that time. So there's a 3% difference. From a standpoint as to how that population is going, he doesn't look at just one year of annual growth rate. It's a good check of what's happening out there. But it's that trend over time. Different biologists have changed over time on the Colville reservation. Some do things differently than others. That's probably going to change in the future, same as happens with agency staff. He basically takes those numbers, it's 9 packs they count, and the agency had 33 packs they counted this last year. It's a small portion of what they do. He adds that in there as part of the count for this year. The discrepancies folks are finding he feels are well

within the realm of what the wolf populations can do. It's a hunted population in those 9 packs, so when he mentioned the fluctuations of our early years with 7-9 packs, you can see big growth rates and declines in there, because you're only talking about 9 packs, especially that are hunted. That variability just comes with wolf management, especially with low numbers and high mortality. He trusts the work with the biologists and what they do. They're a partner and is like working with the Spokane Tribe, the Swinomish, and the Yakama Nation. There are folks staff work with, they build those partnerships, and would much rather have the knowledge than a black hole there wondering what's going on. Staff get information and they share that information with the Commission as part of the annual report. As there are more Tribes staff work with, he hopes to get more information in other areas because over time, that's a big area that encompasses the south cascades and the Yakama Nation or these other areas. It's nice to know where wolves are establishing. For the Commission making the decision, staff have provided the table with Washington jurisdiction if they want to just understand the 33 packs staff monitor over time. Looking at population growth, he still sees that 20% geometric mean, and that's still a growth rate and expansion of the population. Staff are still seeing wolves expand into the south cascades and north cascades. So, the information is still there for the Commission to make a good decision on those regardless of what this years count is if folks have any thoughts on those. ([Begins at 2:29:10 mark](#))

Dr. Martorello added to what Ben commented in regard to the assessment of the impacts of status that Commissioner Parker asked, and stated that Mr. Linn reached out to him earlier on, and was kind enough to reach out and have him look over the information. He reached back out to Mr. Linn and had a conversation in regard to last year's raw count last year on the reservation. The analysis included data from 2009-2020, so it didn't include the last 3 years' worth of data. ([Begins at 2:33:34 mark](#))

Commissioner Smith asked Attorney General Panesko if the CR-102 out there for downlisting to sensitive, would anything need to be republished to go to threatened instead of sensitive? ([Begins at 2:34:22 mark](#))

Attorney General Panesko responded stating he'd refer to staff and that the endangered rule is one rule, and the other rule covers both sensitive and protected. ([Begins at 2:34:52 mark](#))

Julia confirmed that was correct and added believed the answer was no because an amendment could be done under a CR-103, that says here was the final decision that was made, and it doesn't require any WACs to be sent back to the code revisor. Those would be those two WACs that would be changing, and the CR-103 would clarify any changes that were made. ([Begins at 2:34:59 mark](#))

Attorney General Panesko stated he didn't have the WACs memorized, but he knew it was the same two WACs that arose before. The recommendation threatened, and the Commission's decision was endangered. Because the proposal was threatened, pushing it to endangered required repeating the process to do the endangered WAC. Frankly, long-term, the department should consolidate those into one rule to avoid that procedural pickup when going through the APA rulemaking. ([Begins at 2:35:22 mark](#))

Commissioner Smith followed up to ask that should the Commission decide to vote down this recommendation, then that would mean the endangered status still stood? Attorney General Panesko stated that it would mean no decision was made to change to the status. Commissioner Smith went on to state that she watched very avidly and was semi-involved in the development of this plan. The people that worked on it are colleagues of hers, the people on the wolf working group are colleagues of hers. She knows how hard, how much blood, sweat, tears, compromise and science went into the document. She also happens to live in the very recovery zone that is up for consideration of downlisting without wolves in that recovery zone. She feels pretty strongly about the plan and the good work that went into it. In that document on page 59, it does define significant portion of the range, a significant portion of the species historical range is defined under WAC blah blah, which is probably a different WAC now. She read out loud that the portion of the species range will likely be essential of the long-term survival of the wolf population. She stated it went on to say that 3 recovery regions are designated to achieve wolf recovery in a significant portion of the range in Washington, they're identified, and it goes on to say that although wolves have historically occurred throughout Washington, they do not need to occupy all of their former range to meet the recovery objectives of this plan, but the northern and southern cascades...they go on to say that they don't necessarily have to make it to the Olympic Peninsula to meet that goal, but they do define in this plan significant portion of the range, at least that's how it looks to her. ([Begins at 2:35:57 mark](#))

Julia responded that staff also deeply value the wolf plan, and Harriet Allen is a good friend of hers. They have talked and consulted, she feels lucky to know her. She also formerly held her new job, so she felt lucky to get to know her and talk to her. All that being said, that's not a definition. The WAC is the definition. The plan goes on to interpret what significant portion of the range means for the recovery objectives, and staff agree with that, so that's why staff aren't saying wolves are recovered. Wolves aren't recovered because they aren't in that 3rd zone. ([Begins at 2:38:26 mark](#))

Chair Baker stated that this is a decision that is brought with peril she believed, and maybe given outside importance. There are differences in the three status the Commission is considering. Perhaps other people feel differently, they're fairly minor differences. What she's worried about is that the Commission will all vote, and will as Julia has said, do the best they can to come up with the best answer as to whether or not the wolves are endangered or one of the protected statuses. The Commission is going to be judged by that decision and will be working through the transition or culture war depending on what the Commission decides. She isn't sure it makes a lot of difference, because wolves are going to do what they're going to do. One of the frustrating things for her through this process is that the Commission hasn't as a whole considered the problems that they're addressing here, but they're addressing trying to decide what category to put wolves in, what legal status. The problems are obvious, and the Commission hears about them all the time. Wolves are concentrated in two areas of the state. They aren't dispersing as they expected them to. Why not? well, a whole bunch of reasons can be listed. That's what she thinks the Commission needs to pay attention to. Everyone wants wolves in their historic recovery zone, whether that's a historic portion of their range, whether that's legal or not, she thinks it's something everyone in this state wants. There's been bills in the legislature about putting wolves on Mercer Island. It's something everyone wants, so perhaps the focus as they go through this, are things that everyone agrees on, like wildlife crossings. How do we make it easier for wolves to get them where we want them to go? In the wolf plan, there is consideration of reintroduction. That's a word that sets people off, but it's contemplative. She thinks SEPA even considered if wolves were moved, not to Colorado, but to the Olympics or Mt. Adams. What she's saying is that as the Commission goes through some technical/legal decision that's going to change very little, that they're careful. That as a Commission, they give great appreciation to the WAG. Their focus is on co-existence and how to ease the burden on the communities that are feeling negative impacts from having a bunch of wolves in their area. The Commission doesn't have to do that because someone else is working on that and spending a lot of time on it. As the Commission goes through the decision-making process, she wants to try and acknowledge the fact that they'll be judged by what they decide and she hopes that none of the partners are alienated. She hopes no ranchers in the NE and SE aren't alienated. She hopes they're careful as they do this to be sensitive. She certainly hopes the Tribes aren't alienated. But there are questions that come up with all of those that need to be considered. One other thing about progress that she wanted to note, is the context of this conversation. She knows everyone knows that she cares about civility and all of that. She attended a Commission years ago because wolves have been of interest to her for a long time, way before she was on the Commission. The Director had to wear a bullet proof vest. In the process of discussing this over the last 14 years, people have come to the middle. Everyone has come to the middle. Everyone has all learned a lot. The passion is still there but is much less than it used to be. So the WAG meetings were entertaining in the amount of conflict before they started to get moderated, but it wasn't a productive discussion. She asked the question of the staff on the PSR, and giving complete credit to the people that did this model. But if we go back to the probably of recovery slide that was up on the screen...the purpose of a PSR to her, is to do a point in time analysis of how these animals are doing. So, while it is arguable and possibly justifiable to say that in 2070, they're probably going to be recovered. 50 years from now. To her, it doesn't make much of a difference. She doesn't care if they're going to be recovered in 2070, and that doesn't change her decision today. What she looks at, and she was looking at the probability of recovery slide, in 2020 it says 0%. She doesn't think that's accurate or what staff was meaning to say. This same discussion has been had with white pelicans, cascade red fox, and so the question isn't how they might do later, it's how they're doing right now today. She thinks that's the reason for a PSR, and why it's called a review. She wants to be clear on that. ([Begins at 2:39:04 mark](#))

Dr Martorello replied that if you think about decision critical science before your decision now. This is where you're going so there will be two sides to this. Is that there is a slide there that had the definition of endangered and a statement was in there about extinction. Lisanne could probably speak to what is current status as of 2020, when the analysis was completed. What is the probability of extinction? That's the

population side, and then the other side of that is the probability of recovery. What is it now? ([Begins at 2:46:24 mark](#))

Chair Baker clarified that the question is when the Commission puts these critters in these boxes, is the analysis being done whether they're going to recover sometime in the future or is it how they are right now? ([Begins at 2:47:12 mark](#))

Julia responded with exactly. It's where we are right now, yes indeed. She added that they'll be evaluated 5 years after that, and 5 years after that, and so on and so forth. If they get to delisting, then they'll be reevaluated again 5 years after that. So yes, staff are saying that they believe wolf status today is a sensitive species. The model was simply to provide information because that's something talks about what may happen in the future, and that's more about what's the probability of extinction, so staff knows what definition to think about. But today, yes, they're sensitive. That's why the status review process is iterative. Whatever decision the Commission makes today is supposed to be revisited in 5 years. When animals are delisted, that's supposed to be revisited after that. Let's say a species was delisted and something crazy happened, a terrible disease wiped out 50% of the population. They can do an emergency uplisting. The WAC allows for all of those things. The decision made today is simply where are these animals at today, not where are they at tomorrow, yesterday, future, whatever. This is just to say, hey do we think they're going to go extinct anytime in the near future and staff don't. One more thing she added as a pet peeve of hers, but she's heard it said in many forums that wolves aren't dispersing. She stated that Ben has presented the slide showing wolves are south of I-90 time and time again. She knows that the focus is solely on that big muddy pack, and the female is dead, so there aren't anymore wolves there. Ben added that they know of two wolves that are collared and just had a picture submitted from a trail camera of an uncollared wolf south of I-90. He sated they know they had one uncollared and the female of big muddy, so he knows of five wolves that have been in the south cascades at one time or another in the last 2 years. So, there is dispersal down there. Julia added that wolves are dispersing. Wildlife corridors are amazing, mostly for salamanders and ungulates. Wolves haven't actually used ours yet, and staff are really looking forward to that day. But the ones that have crossed have found another way to do so. ([Begins at 2:47:41 mark](#))

Chair Baker added for correction, that what she's said a million times, from her opinion, is that wolves aren't dispersing as they're expected to with those concentrations. Whether that's right or wrong, she's spoken to Ben for years about it. Her point is that what she thinks the likely focus would be on is productive ways to have that happen. Instead of getting so hung up, spending six years, and so much capital on what pockets to put them in. Like has been said, they're going to do what they're going to do. She wanted to make the point that there are avenues available to them to correct the issues being talked about today without arguing about the WAC or plan says. They could take that under advisement. They have primarily, and she thinks rightly so, delegated a lot of that to the Director and the WAG. ([Begins at 2:50:10 mark](#))

Ben added that he wanted to go back to Commissioner Rowland's comment earlier on the listing status too. He didn't want to get into that, as it's their jurisdiction. Talking about the model and when it was first developed. For the wolf plan, staff have a model that predicts where good habitat is. That was the habitat map from other states. That model is going to project packs in areas. They're going to fill in the best habitat first and go from there. When you look at that model where the packs are in the recovery regions. For sensitive, its two. You want to look at that probability of quasi-extinction in those recovery regions. The way that works, is that you can have two or three packs establish in the south cascades before stuff fills in. In reality, wolves do better setting up packs next to other packs. So, we've seen NE Washington and the blue mountains fill in, and are starting to see the same thing in the north cascades. Those packs are more successful there. The modeling done early on in the development of the wolf plan, and when the risks to the population are looked at, staff want a risk of quasi-extinction to be less than 5% when you look at that modeling plan. But wolves in a model can make it and establish anywhere withing that probability of dispersal, which is anywhere in the state for a wolf. They can have a wolf go from NE Washington to the cascades, to the Olympic Peninsula as they just have that ability. But they're more likely to establish next to other packs. That's why staff have seen recovery occur like it has because they establish and set up packs more adjacent to others. Every once in awhile they have a particular pack set up in a distant place, but they're more successful where there are other wolves around to stay and perpetuate. So when you think about those other recovery objectives and things, staff think about and propose sensitive status, is that risk of quasi-extinction. Even with the new model that Lisanne, Beth, and Sarah put together, the risk of quasi-

extinction, with how wolves are established on the baseline model, is still a meeting of zero and the upper bound of that is 37.37 for a risk of quasi-extinction. It gives him a lot of confidence that wolves are likely here to stay, even with where the population is at this point. When we think about the numbers, the risk of quasi-extinction very low, even with the variabilities. [\(Begins at 2:51:24 mark\)](#)

Commissioner Rowland requested to ask a clarifying question. Quasi-extinction in the state or in a significant portion of the range. Are staff are saying that they're not at risk for quasi-extinction in either of those senses? [\(Begins at 2:54:30 mark\)](#)

Ben replied that in the recovery areas that are established or within Washington. Staff aren't going to see wolves extirpated in Washington. If the trajectory stays the way it's been going, right now the risk based on all the model components, the survival, what's been put in that model, the median is a zero risk of extinction. That upper bound is .37 of going out though 2070. As the population exists right now, the median is zero, there's a zero chance we'll see wolves extirpated at this point. Commissioner Rowland followed up to ask from the entire state, correct? Ben confirmed that was correct. Commissioner Rowland asked what staff would label the status of the wolves in that large wester recovery zone? [\(Begins at 2:54:44 mark\)](#)

Eric responded that staff wouldn't label them. The Commission's WAC designates status of species based on their condition within the state. Their status within the state. That's why staff may at times have a listed species in our state that's not listed federally, because staff are concerned about it here. There's even a potential for a federally listed state that requires staff to bring a recommendation to the Commission, but doesn't require it to be listed here if staff feel Washington's population is healthy. That's staff's parameter. The recovery plan does talk about those recovery zones and yes, there are places there aren't wolves, and there are places that due to the stochastic events to fluctuate over time until they get to the full recovery. The trajectory, and staff's understanding of where they're at, is that they're not in danger of extinction, even with that stochasticity. Eric added that the Chair asked a very specific question and then ended by saying she didn't necessarily want to dive into the WACs, so he wanted to respect that as well. When she asked her question, he did pull up the WAC and he'd just encourage folks to really look closely to WAC 220-610-110, and look at section 7.1, that is specific about species status review and agency recommendations. It tells staff exactly what it is they're supposed to include in their status review, and the PSR does that. He pointed out that at the end in 7.3, for the purpose of delisting, not downlisting, to go all the way to delisting, the status report will include a review of the recovery plan goals. It doesn't state they have to be adhered to exactly. But the recovery plan goals should be considered when getting to delisting, and they have been considered them in the recommendation to downlist. It's one of the reasons staff aren't going to the full recommendation of downlisting. He knows there's a lot of other information in the system, but this is what staff are building from. Staff's task is to apply this WAC and deliver the PSR. [\(Begins at 2:55:50 mark\)](#)

Chair Baker stated that she thought the concern of many of the Commissioners is that WAC has the section on listing, delisting, but no guidance for downlisting and the Commission has gone through this for years. That's why she didn't want to get into the intricacies of the WAC. She did want to mention that the Commission had a couple of members that have travel arrangements that they need to leave early for. This is exactly the conversation they need to be having, so they're going to bring this discussion to a close, thank the people who joined us just in case the Commission needed to ask deep questions on the model. But what she's going to ask the Commission is if they want to in advance of the meeting in July, if they want to set up another little meeting to continue the discussion, because they have to keep rolling so people don't miss their flights. [\(Begins at 2:58:04 mark\)](#)

Commissioner Rowland stated that she also looked at the definition in the WAC that were on the screen that staff have, and she'll say as a lawyer and reading the language, it seems to her that staff can't downlist, and they can't delist. What staff are saying is that wolves are not likely to become extinct in a significant portion of their range. Right? Ok. Sensitive means any wildlife species native to the state of Washington that is vulnerable or declining. Clearly they're not declining, but staff are saying they're vulnerable. Ok, they meet that. And, is likely to become in endangered or threatened in a significant portion of their range in the state without cooperative or removal of threats. That is exactly the same language as threatened, but staff are saying they're not likely to become endangered, so we can't say they're threatened. Endangered means seriously threatened throughout all or a significant portion of their range within the state. What staff are

saying, is that according to these definitions, is that wolves should be completely delisted. How do staff come out saying they recommend a listing of sensitive when under staff analysis using the forward projection, they are not likely to become endangered or threatened in a significant portion of the range. To her, that says delist. ([Begins at 2:59:24 mark](#))

Julia asked Commissioner Rowland if she's asking staff to explain the recommendation or how they landed on sensitive, and Commissioner Rowland replied yes. Julia explained that vulnerable without cooperative management and removal of threats, she thinks that Commissioners have heard a good job in public comment and everywhere else what the threats are and why cooperative management is needed, and that wolves are vulnerable in the face of some of those threats. That's how staff landed there. It requires cooperation with CTCRs, Confederated Tribes of the Colville. Spokane, or other tribes in Washington, Oregon, EC, Idaho. Cooperative management and they're vulnerable without it, because all these jurisdictions have different management. So staff are saying, hey, we so want our wolf population to grow, recover, expand in our state, and they're vulnerable without that. That's how we landed at sensitive. ([Begins at 3:01:10 mark](#))

Commissioner Rowland stated she completely understood that and agrees with it, but what she's saying is the WAC has two requirements. One is vulnerable, and she's already agreed that they're vulnerable for exactly the reasons Julia outlined. There is a second requirement, and that is AND is likely to become endangered or threatened in a significant portion of its range, and what she's hearing from staff that it's been decided on the basis of the study, that isn't the case, and if that isn't the case, then wolves don't meet the definition of sensitive in the WAC. Julia responded stating that's certainly how some of our commentators felt. That's not how staff interpreted it or landed. ([Begins at 3:01:54 mark](#))

Attorney General Panesko responded that Commissioner Rowland was leaving out the phrase without cooperative management or removal of threats. That's part of that second phrase, and she just omitted it. Commissioner Rowland responded stating no, that she just omitted it so it wouldn't take so long. Staff are saying it's not threatened because it's not likely to become an endangered species in the foreseeable future throughout a significant portion of the state, without cooperative management. Those are exactly the same, and the Commission is being told it's not threatened, but it is sensitive. The definitions of cooperative management are exactly the same with respect to threatened or sensitive. Attorney General Panesko replied that the threatened one also adds within the foreseeable future, and the sensitive definition omits that. ([Begins at 3:02:39 mark](#))

Chair Baker commented that she didn't think this was going to end productively and Commissioner Rowland stated she was done. ([Begins at 3:03:28 mark](#))

Commissioner Ragen commented that that he would need to go back and study everything mentioned. Separate from that he wanted to say that there are details that need to be cleaned up. There needs to be a common understanding and he thinks it's part of the process. There are such things at the model, as the PSR says. An example of sensitivity analysis, where you test what would happen if you had certain risks, that's different than a population viability analysis in a key respect. You need to include the best assessment of what the risks are. It was his understanding that the graph shown with the results, is that if the population continues as it has, over time, this is where you would go. That doesn't necessarily include all the analyses and all the other things that need to be brought up, and they're real, they're just really difficult to model in the sense that you have to figure out how severe they are and what's their probability. But that is what is essential for a true population viability analysis, otherwise you're stuck with a sensitive analysis that's informative, but doesn't get you all the way there. He thinks that could be cleaned up but it's a hard thing to do, but we have the people to do it. He also thinks attention needs to be paid to what's being used as a measure of success. Median levels are referred to where the population is going, and almost nobody does that anywhere that he knows of. The probability of extinction is always looked at over a given period of time in a certain area. That's where you're looking at the very bottom part of that distribution saying, what happens if you have these threats, how often do you dip below that probability of extinction? Using a median can be really misleading, especially when you have lots of risk factors. You're interested in the dispersion and those possibilities. So, these are things that can be worked out, talked about, and figure out how to do better. He'd love to do it because the talent to do that is available. But it helps straighten things out a little bit. Even the notion, what does recovery actually mean? In the model, the modelers identified

that a quasi-extinction of 92 animals in an effective population size. The recovery criteria in the recovery plan right now, says you can be delisted when you have in effect, 60 animals throughout the state. So, the way it's being approached is that you can have a population that is considered not recovered and quasi-extinct, at the same time it's recovered. The two overlap and that makes absolutely no sense. It's a detail that just needs exploring and clarification. But you can't really have it both ways. It's recovered and it's quasi-extinct. The Commission isn't in that position exactly, but it says to him as a reader, that what our levels are haven't really been thought through. There's been a lot of literature on what is used for risk of extinction and when something is considered at risk of extinction. That's the definition at least in the federal act, that is used. What is the risk of extinction? There's a lot of literature there and it's really tough, but that's how most people go about it. He'd love to be able to work with the modelers to get at that issue. He thinks it's critical because it's not being done for the Commission's sake, he thinks it's being done as an example of what is really good management. Having those things ironed out, the questions the Chair had won't be answered before the next meeting. But thinks they can be answered in relatively short term, but it will require some in-depth discussion and work. It's a chance to illustrate the excellence that needs to be illustrated because it's going to be a challenge all over the west. For him, it's the right thing to do. It helps with answering question. His sense is that there are a number of things to tackle that are part of good management. There is a flow of these issues to be addressed. The last one is, are we at risk of extinction or not in making this judgment. Like building a house, you don't want to start building your house until you have your architectural plan done or you'll have trouble. There's an order of sequence to do these things. All these things being talked about have bearing on where this wolf population goes. So, lets make sure the understanding of where the Commission wants to go is clear, and then a final decision can be made. He believes it can be made with more confidence since there is so much talent, so much information is being provided, and it's unfolding. They are recolonizing at a rapid pace relative to what many species do. He would ask the Commission to be thoughtful and caution, illustrate best management practices, and iron these things out. Then reexamine the question of where wolves are. ([Begins at 3:03:32 mark](#))

Eric thanked Commissioner Ragen for his questions and input. He wanted to go back to the beginning slide of the 6-yr process staff have been involved in. He reminded that there have been many times that staff have checked in to ask what are the questions the Commission needs answered? The information is needed to make the decision? How well are staff doing in providing that? are the draft products acceptable? There's lots of opportunity for questions on the PSR, including how staff got to the recommendation made and the content of the model. What he's hearing is good adaptive continued science, continuing to work a tough situation, that he agrees with wholeheartedly. But there aren't the same resources available now that was had for the effort that was just completed. The folks available today are here out of the graciousness of their own hearts and time. They're no longer on contract to do that work. Staff does have their team. He added that the PSR process should resolve itself with an answer one way or another. Technically the process would be another 5 years before doing another review. Coming into this meeting, Julia asked several times for questions to be provided so staff would be addressed in this forum to be ready for the July decision, and he doesn't believe any were received. His concern is that it's self-perpetuating, and by the time the staff get through the next round, that there will be different Commissioners and questions, and what is delivered may not be what everybody needs. He respects the fact that things change and there's new understanding, new people with new questions. But there is the process in front of everyone. He's asking that folks look at the body of work that has been delivered, that the Commission and public have been very invested in, contributed to, reviewed, and had ample opportunity to ask questions. It has resulted in a periodic status review that is based on the information staff have today and have made a recommendation. His hope is that Commissioners can use that to form motions, make decision, so staff will know where they stand with status for wolves. Regardless of the outcome, because under every single potential outcome scenario, staff would then be into another 5 year periodic status review period. Staff would then embrace all questions they're hearing about today, but he just doesn't think they can be addressed in time for July. He's encouraging the Commission to separate the future of wolf management and PSRs, and would like to see accomplished there form the decision they have in front of them next month. ([Begins at 3:10:20 mark](#))

Commissioner Smith had a question for Dr. Converse and Lianne. She stated that on May 3rd, a copy of a letter from Drs. Avila, Travis, and Hold that they'd sent them with some questions. She was wondering if the letter was answered because the Commission didn't get a copy of it. She asked if there was an answer to that letter that would be valuable to the Commission to help them understand a little better? ([Begins at 3:13:40 mark](#))

Dr. Converse replied yes and stated that they'd asked for some clarifications from them and the didn't receive any. They haven't had time to address the letter, although she mentioned that the journal received a letter she isn't sure is from the same people, but it had some of the same concerns noted. So they've turned their attention to address it in that forum. They're preparing a response in that forum. That's a pretty common thing that happens in publication. There's a paper that's published, there's a response to it, and then there would be a response to the response. They're then published together. So they're working on responding in that forum. It was a pretty long letter they got and they were struggling to figure out exactly what the questions were. ([Begins at 3:14:17 mark](#))

Commissioner Smith stated it became appropriate because the Commission then got a copy of the letter as part of the record, so it would have been helpful if there were answers. It sounds like it's still forthcoming, and wondered if the timing of that might be known. Chair Baker reminded Commissioner Smith that the Commission needed to move on and Commissioner Smith noted it was her last question. ([Begins at 3:15:50 mark](#))

Dr. Converse stated that it's up to the journal but their response is due in a week or two. Generally journals try to turn those things around quickly. She guesses it'll be out by July. If there are particular questions, they'll make themselves available to address those in whatever is the best forum. She knows that Julia has asked them to do that and reached out to see if there are questions. They continue to be happy to do that. ([Begins at 3:16:22 mark](#))

14. Meeting Debrief and Future Meeting Planning

This item was struck from the agenda due to time constraints.

Chair Baker had a couple of announcements from this meeting. First off, the Commission is in the time of the year where Tami is doing an evaluation of one of the staff people, Jamie. She has asked that to be announced and that anyone who has input on Jamie's performance, to talk to her. Tami, probably with Amy's help, will be evaluating Jamie. On evaluations, the Commission needs to start the laborious process of evaluating the Director. That's as far as she's gotten on that issue. The evaluation probably needs to be done by January, so the Commission needs to talk soon about the process to set that up. She's just asking the Commission to think about it and will probably get that going next month. There was a whole lot of discussion, and she was in partial error on how petitions are handled. These are petitions on rulemaking. The way she'd like to do that since there isn't time to talk about it now, is that she wants to write up the two things the Executive Committee has discussed and then send it to all Commissioners so they have it in writing. The way they think they're dealing with things now, and the recommendation for where they should go, at one of the meetings soon there will be a full-blown discussion and vote to put in the rules of procedure. Commissioner Rowland and Attorney General Panesko pointed out that how those are handled is not as agreed upon as she'd suggested. There are different ideas about how petitions for rulemaking are handled and she thinks that the Commission needs to spend some time on it, but for now, she's going to write up the status quo and that will be the status quo, and the Commission will get to it as soon as possible. If anyone disagrees, then they'll disagree then. Commissioner Linville requested clarification of what status quo meant. Chair Baker clarified that the Executive Committee will be looking at petitions and making recommendations to the Commission about whether they're delegated. She was also asked to point out that anyone who has a backlog of public disclosure requests, and that includes texts, which are hard to figure out how to get off the phone and in the right portal. Marissa Young is the very competent staff member assigned to assist the Commission, and there is also Ann Masias and Jamie to help with that. Just the little reminder to get those done. The last reminder is our committee agendas. People pay attention to this now. Usually, every committee does a future meeting planning at the end of their committee. Committees need to do future meeting planning at committee if that's the Chair's position. One way or another, committees need to keep the year-at-a-glance updated, which is what Jamie uses to notify staff and have materials prepared for committee agendas. Apparently, we need to make sure that is focused on. The last item she was asked to give a reminder about is that the materials need to be online sooner than they're being posted. So as much as possible, if committees could have their agendas set, and staff could have time to prepare the materials so we can get them online a week in advance, that helps us and the staff. That's a loose timeline and she's just reminding that's a best practice. ([Begins at 3:18:00 mark](#))

Commissioner Lehmkuhl was wondering if Jamie or someone could send a note if there's any PDRs he's responded to or delinquent on, because he thinks he has kept up on them but isn't sure. ([Begins at 3:22:38 mark](#))

Commissioner Ragen commented on that same topic, that he's been working with Marissa quite a bit trying to respond to the ones he has. She sent a spreadsheet saying these are the things he needed to respond to. He found it very helpful and thought it could be provided to him as well. Another thing he thinks would be helpful. He's been struggling with these for a long time and thinks he's put together a system that works pretty well to crank them out. A lot of it hinges on keeping all of your records in places, like OneDrive or in your email, that the department can search. There was a complication with text message and voicemails in the sense that they can't search pictures. So you have to provide it in a searchable form. If anyone wants to know about that approach, he's going to be working more with Marissa and wants Attorney General Panesko's blessing, then let him know because he'd be glad to share the information to streamline it for everyone. It's really important since all the Commissioners have their personal computers and phones in addition to office stuff. Keeping them separate, and keeping that base ready to go, really saves time. ([Begins at 3:22:53 mark](#))

15. Executive Session

This Commission went into Executive Session at 12pm

The Chair adjourned the meeting at 1:03pm.

Jamie Caldwell, Executive Assistant

Agenda Item #2 – Open Public Input – 6/21/24

In-Person	Zoom
<ol style="list-style-type: none">1. Kelsey Ross2. Dane Czarnecki3. Carl Barner4. Alex Baier5. Josh Rosenau6. Rachel Haymon7. Tim Coleman8. John Rosapepe9. Claire Davis10. Susan Coleman11. Liz Carr12. Ann Prezyna13. Gordon Lewis14. Eva Fellner15. Sandra Hungate16. Alison Anderson17. Charlie Delcarlo18. Roxane Auer19. Jasmine Borland20. Hannah Thompson-Garner21. Crystal Groves22. Lyle Cabe23. Robert Sudar24. Nello Picinich25. Pat Norris	<ol style="list-style-type: none">1. Susan Kane-Ronning2. Amaroq Weiss3. Rachel Bjork4. Gabe Garza

Agenda Item 7 Sign Up Sheet

1. Jennifer Ruesink (Zoom)

DRAFT

Agenda Item 11 Sign Up Sheet – 6.21.24

In-Person	Zoom (Emailed in Comments on Extension due to Time Constraints During Meeting)
<ol style="list-style-type: none"> 1. Kelsey Ross 2. Dane Czarnecki 3. Carl Barner 4. Josh Rosenau 5. Rachel Haymon 6. Tim Coleman 7. John Rosapepe 8. Claire Davis 9. Susan Coleman 10. Liz Carr 11. Ann Prezyna 12. Gordon Lewis 13. Alison Anderson 14. Charlie Delcarlo 15. Jeff Stalcup 16. Bob McCoy 17. Mike Herz 18. Mark Crandall 19. Crystal Groves 20. Nick Magnuson 21. Rex Bakel 22. Roxane Auer 23. Tino Villaluz 24. Colton Davis 25. Christopher Locke 26. Adeline Locke 27. Emersyn Locke 	<ol style="list-style-type: none"> 1. Christina Veloz 2. Joule Zelman 3. Carolyn Rhett 4. Ben Wolk 5. Tino Vallaluz 6. Karen Computer 7. Judith Akins 8. Ryan Garrett 9. James Strange 10. Michael Shurgot 11. Davis West 12. Cindy Kreiman 13. Nikki Nash 14. Kim Thorburn 15. Elena Tillman 16. Kevin Dickey 17. Marjorie Millner 18. Kriby Wendt 19. Cathy B 20. Dale Magart 21. Rachel Bjork 22. Coleman Byrnes 23. Ruth Morlas 24. JSK Anderson 25. Jerry Lowdermilk 26. Kathleen Allen

Agenda Item #12 – Open Public Input – 6.22.24

In-Person:	Zoom:
<ol style="list-style-type: none">1. Colin Reynolds2. Jerry Lowdermilk3. Josh Rosenau4. Steve Foster5. Claire Davis6. Christine Psyk7. Mark Leed8. Ann Prezyna9. George Vaughan10. Laurie Kerr11. Marie Chappell12. Mike Herz13. Rachel Haymon14. Jeffrey Kitts	<ol style="list-style-type: none">1. Susan Kane-Ronning2. Kelsey Ross3. Amaroq Weiss4. Gabe Garza5. Jan White6. Corey Maxwell7. Carl Barner8. Clarence Rushing9. Elena Tillman10. Mandy Carlstrom11. Steve Snowden12. Jane Macintosh13. Sunal Mittal14. Gabrielle Gilbert15. Dale Magart16. Kevin Dickey17. Allison Farley18. Judith Akins19. Tino Villaluz20. Kim Thorburn

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