Best Available Science Policy - Summary of Public Comments

June 14, 2024

Ken Warheit, Tim Quinn, Amy Windrope

The Fish and Wildlife Commission's (FWC) Best Available Science (BAS) draft policy received 239 public comments between April 17, 2024, and May 26, 2024. A few of these comments were duplicates. Most commenters did not state explicitly whether they supported or opposed the policy. However, nearly all commenters either suggested edits to the policy or stated, some quite expressively, what was wrong with the policy. If you considered commenters who suggested changes to the policy as an expression of their opposition to the policy as written, there were a total of 237 comments (two commenters left no comment), of which 186 (78%) opposed and 15 (6%) supported the policy. There were also 36 (15%) commenters who provided responses that was not directly related to the BAS draft policy (e.g., "we need more hatchery fish").

Nine comments were submitted prior to the 21-day comment period (May 6 – 26, 2024). These comments were in response to the posting of the draft policy on the Commission web site prior to the April 18, 2024, Big Tent Committee discussion of the policy. One of these comments was a comprehensive rewrite of the draft policy by a former FW Commissioner. Two other comments were resubmitted during the public comment period. Sixteen comments submitted during the public comment period were detailed analyses of one or many components of the draft policy and ranged in length from 1 to 13 pages, with a median length of 2 pages. One of these comments was submitted by a former FW Commissioner expressing "strong opposition to the draft policy . . ."

We summarized the 239 public comments into eight categories: 1) Best available science (BAS); 2) WDFW Scientists; 3) Fish and Wildlife Commission; 4) Other sources of scientific information besides WDFW; 5) Social science; 6) Adaptive management, uncertainty, and decision-making; 7) Definitions; and 8) Legal issues.

Overall, there was opposition to including social science in the policy. However, from the nature of these comments, most people equated social science to commissioners' values and emotions. The concern with including social science in the BAS policy was that it would reduce the objectivity of the natural-resource science-based decision-making. There appears to be widespread distrust of the Commission, and to a lesser extent the agency. There was some concern that agency scientist presented only information that would support their preference for specific policy decisions. Distrust of the Commission was broad in scope but mainly concerned two elements: 1) the Commissioners use of their professional experience as a surrogate for BAS, and 2) information used in decision making. Concerns about decision included: i) the use of social science, third-party scientists (both support for and against), and reliance on selected as opposed to more complete review of references and information sources and ii) the potential use of structured decision making.

The following is a broad-brush summary of the 239 comments divided into the eight categories listed above:

Best available science (BAS)

- Must include Traditional Ecological Science.
- Peer review of science to inform commission decisions needs to include hunters, fishers, and administrators.

- BAS needs to be built on best available methods.
- The North American Model of Wildlife Conservation is the only BAS needed.
- There is no BAS – science is changing all the time.
- BAS is fraught with misapplication.
- BAS is obstructed by the mixing of science with administrative and social considerations.
- BAS will end hunting and fishing, and cut hatchery production.
- BAS should rank science sources or information – certain types of information are better than others.

WDFW Scientists

- BAS is not needed because the best science is available from WDFW, Tribal, and NOAA.
- The draft policy squelches the independent opinions of WDFW scientists.
- Agency scientists are not independent from agency policies and selectively use science to support policies.
- Agency scientists are not the sole arbiters of "acceptable and sufficient" science.
- WDFW scientists want to control the commissioners' access to information.
- Agency scientists don't understand bias or wish to mislead commission about bias.
- Commission is informed by science from only a small number of "administrators."

Fish and Wildlife Commission

- Policy should include a process for commission to challenge agency science.
- Commission ignores or does not trust (agency) science.
- Commission is not authorized to oversee agency science.
- Some commissioners discredit agency scientists when the science doesn't match their narrative.
- Commission is biased and will use the concept of BAS to justify their own values.
- Policy will allow commissioners to abuse and expand their responsibilities.
- The policy undermines FWC statutory authority over fish and wildlife management.
- Professional experience of commissioners is given too much weight and does not replace BAS.
- Commission is anti-consumptive use - liberal bias.
- Commission doesn't understand BAS.

Other sources of scientific information besides WDFW

- Washington State Academy of Science (WSAS) was not universally accepted as an objective third party because it is assumed to be focused on Puget Sound issues and anti-hatcheries, and not far-removed from being an advocacy group.
- University of Washington should evaluate WDFW science with funding from legislature.
- Many third-party groups are advocacy groups and cherry-pick information – "Science for Hire."
- Information sources should include federal scientists, Tribes, and fishers and hunters in addition to WSAS.

Social science

- Inclusion of social science in BAS policy undermines objectivity.
- Allows decision makers to ignore data, is biased, and is not BAS.
- Is about emotions, is soft science and is woke, and is not the same as biological sciences.
- Is not relevant to fish and wildlife management.
- Social science should be included in the policy, but the policy needs a discussion of social science methods and professional standards, and should not be subjective.

Adaptive management, uncertainty, and decision-making

- Management requires common sense, not science. Hunters and fishers can provide the necessary information.
- Policy is biased because it allows for decisions to be made using beliefs, emotions, politics, third parties, and special interests.
- Regular and independent assessment as to how well WDFW is applying BAS to management decisions, including social and economic effects of the policy should be included as part of the policy.
- Precautionary principle must be included explicitly in policy – when there is uncertainty err on the side of conservation.
- Hunting and fishing shouldn't be limited by uncertainty or undefined risks.
- Decision-making must be grounded in credible and unbiased science.
- Structured Decision Making (SDM) allows decision makers to avoid making hard decisions.
- SDM is less rigorous than Statistical Decision Theory when dealing with tradeoff in resource management decisions.
- Uncertainty must be expressed as a probability distribution of possible outcomes.
- Agency doesn't have experts to assess tradeoffs, to define scientific integrity, or to design protocols for evaluating methods.

Policy requires definitions of the following terms

- Best available science, including definition of "best" and "available."
- Decision-critical
- Tradeoffs
- Structured Decision Making
- Social science
- Scientific integrity

Legal issues

- Policy changes the relationship between agency and FWC – violation of RCW.