



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Brad Thomsen
Name of Organization [REDACTED]
Mailing Address [REDACTED]
City [REDACTED] State WA Zip Code 98[REDACTED]
Telephone [REDACTED] Email [REDACTED]

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: WDFW

☒ 1. NEW RULE - I am requesting the agency to adopt a new rule.

☒ The subject (or purpose) of this rule is: Please See Attached

☒ The rule is needed because: Please See Attached

☒ The new rule would affect the following people or groups: Please See Attached

☐ **2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: _____

☐ I am requesting the following change: _____

☐ This change is needed because: _____

☐ The effect of this rule change will be: _____

☐ The rule is not clearly or simply stated: _____

☐ **3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: _____

(Check one or more boxes)

☐ It does not do what it was intended to do.

☐ It is no longer needed because: _____

☐ It imposes unreasonable costs: _____

☐ The agency has no authority to make this rule: _____

☐ It is applied differently to public and private parties: _____

☐ It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

☐ It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

☐ Other (please explain): _____

March 23
2023

To Whom It May Concern:

Please find attached my "Petition For Adoption, Amendment, Or Repeal Of A State Administrative Rule"

I have checked the box, "1. New Rule – I am requesting the agency adopt a new rule."

As per the questions associated with the form:

The subject (of purpose) of this rule is: "begin Rule Making for the 2024 RECREATIONAL SPRING BEAR HUNTING SEASON"

Since the vote to cancel the Washington State Spring Bear Hunting Season occurred, several important things have changed:

I will be outlining those changes which justify this Petition.

First, I will begin with a quote:

- Ethics is knowing the difference between what you have a right to do and what is right to do. ~ Potter Stewart

I will be providing attachments of documents.

There will be reference to recorded video and audio of WDFW Commission Meetings on several specific dates. Dates / Times of recording will be provided.

- **September 29th 2022** State of Washington Fish and Wildlife Commission document Paragraph 3 / Sentence 1: **"No public input will be accepted during the meeting."**
- **September 29th 2022** State of Washington Fish and Wildlife Commission document Paragraph 2: **"The Commission will formally consider your petition as one of our agenda items during a web conference scheduled for Friday November 18, 2022, at 8:00 a.m."**
- The document referenced above was cc'd to 'Fish and Wildlife Commission' and below the list of all individuals cc'd by name across the bottom of the document the names of each WDW Commissioner is named.
- **October 4th 2022** State of Washington Fish and Wildlife Commission document Paragraph 3 / Sentence 1: **"No public input will be accepted during the meeting."**
- **October 4th 2022** State of Washington Fish and Wildlife Commission document Paragraph 2: **"The Commission will formally consider your petition as one of our agenda items during a web conference scheduled for Friday November 18, 2022, at 8:00 a.m."**
- The document referenced above was cc'd to 'Fish and Wildlife Commission' and below the list of all individuals cc'd by name across the bottom of the document the names of each WDW Commissioner is named.

- November 18th 2022** Commissioner Rowland in her own words on the WDFW Commission Meetings webpage / Previous Meetings / 2022 / November 18th 2022 / Audio/Video / between the time 5 hr 12 min 06 sec through 5 hr 14 min 20 sec. This is where she states "...it's been pointed out to me by someone who is listening to this meeting that it's not clear this applies to more than one year. Because it just says a recreational hunt of black bears in the spring..." Commissioner Rowland introduces this prohibited public input into the WDFW Commission Meeting on this date. Link to the WDFW Meeting Website URL:
https://us06web.zoom.us/rec/play/YspDEfw7OZ7IE5O9FdVvgCGYaCE5LF9kMxtGr5bjxcP8VLeYiR6e6jalTYNpk2U2PZy9OIHVmizO2HJ9.TnwRyu3RBPBr_Uqe?continueMode=true&_x_zm_rtaid=4O9j0GGISfq3yqRX1kJlww.1671713924902.ef3994a0c5a207ecf61aae5e11d8f227&_x_zm_rhtaid=308
- Friday December 9th 2022** {Member of the Public} explains the prohibited nature of Commissioner Melanie Rowland introducing prohibited public input during the meeting. She spells out the reasons this action was prohibited. WDFW Commission Meetings webpage / Previous Meetings / 2022 / December 9th 2022 / 2 hr 23 min 06 sec through 2 hr 25 min 55 sec. Link to the WDFW Meeting Website URL:
https://us06web.zoom.us/rec/play/PBMP6zpTkEOTyuK6xrkXWLsGiLrkJ0hMv5twDOa1QL6CLbu8fJGU0tcjjUDp2DjGaVETPGhvJpX_6ulg.Wg_yMWZ1qBQj9nod?continueMode=true&_x_zm_rtaid=4O9j0GGISfq3yqRX1kJlww.1671713924902.ef3994a0c5a207ecf61aae5e11d8f227&_x_zm_rhtaid=308
- Friday December 9th 2022** {Member of the Public} explains the prohibited nature of introducing prohibited public comment **and** the prohibited nature of public input that is submitted without identifying by name the source of the prohibited public comment during the meeting. WDFW Commission Meetings webpage / Previous Meetings / 2022 / December 9th 2022 / 2 hr 39 min 14 sec through 2 hr 42 min 57 sec. To date the Commission / Commissioner Melanie Rowland has not published the name of the individual and where that individual is from who was allowed to amend a Commission policy vote. Link to the WDFW Meeting Website URL:
https://us06web.zoom.us/rec/play/PBMP6zpTkEOTyuK6xrkXWLsGiLrkJ0hMv5twDOa1QL6CLbu8fJGU0tcjjUDp2DjGaVETPGhvJpX_6ulg.Wg_yMWZ1qBQj9nod?continueMode=true&_x_zm_rtaid=4O9j0GGISfq3yqRX1kJlww.1671713924902.ef3994a0c5a207ecf61aae5e11d8f227&_x_zm_rhtaid=308

- Friday December 9th 2022** WDFW Commissioner Don McIsaacs talks about the fall out of what happened during the November 18th 2022 Commission Meeting. WDFW Commission Meetings webpage / Previous Meetings / 2022 / December 9th 2022 / 3 hr 02 min 40 sec through 3 hr 12 min 07 sec. Link to the WDFW Meeting Website URL: https://us06web.zoom.us/rec/play/PBMP6zpTkEOTyuK6xrkXWLSGiLrkJ0hMv5twDOa1QL6CLbu8fJGU0tcjjUDp2DjGaVETPGhvJpX_6ulg.Wg_yMWZ1qBQj9nod?continueMode=true&_x_zm_rtaid=409j0GGISfq3yqRX1kJlww.1671713924902.ef3994a0c5a207ecf61aae5e11d8f227&_x_zm_rhtaid=308
- Friday December 9th 2022** Commissioner Rowland talks about her action of introducing prohibited public input during the November 18th 2022 Commission Meeting. WDFW Commission Meetings webpage / Previous Meetings / 2022 / 3 hr 12 min 18 sec through 3 hr 14 min 46 sec. During this period of speaking by Commissioner Rowland states "... I also believe, first of all there was no legal violation involved. Yes, it is policy and I am sorry I that I didn't know that it was going to be a violation of policy. And I will not do that again. Secondly, as a lawyer, what I would characterize this as is a harmless error." She speaks for 2 minutes 28 seconds during this period. Which also includes her statement, "I didn't know it was considered extending public comment. I am the Commissioner that got the text from someone, and it was a friend, and I didn't know that would be considered public comment..." At the end of her comments she concludes with, "... and I believe there is no legal error and I admit that I did not keep I did not comply with the policy to not have any more public comment after the closure of it and I apologize for that." Link to the WDFW Meeting Website URL: https://us06web.zoom.us/rec/play/PBMP6zpTkEOTyuK6xrkXWLSGiLrkJ0hMv5twDOa1QL6CLbu8fJGU0tcjjUDp2DjGaVETPGhvJpX_6ulg.Wg_yMWZ1qBQj9nod?continueMode=true&_x_zm_rtaid=409j0GGISfq3yqRX1kJlww.1671713924902.ef3994a0c5a207ecf61aae5e11d8f227&_x_zm_rhtaid=308
- Friday January 27th 2023** WDW Commission Chair Barbara Baker asks WDFW Commission Executive Assistant Nichole Kloepfer ("Nikki") read **the statement regarding the rules of Open Public Input**. I insert this as a place for the reader to understand the rules regarding Open Public Input and that the names and where they are from of those who provide public input must be provided. This goes to the comments of previous speakers comments in the above sections. Note Commissioner Rowland did not provide the name of the person whose prohibited public comment she introduced which in addition to introducing a prohibited public comment, Commissioner Rowland did not provide the name of the person and where they are from whose public comment she introduced into the record. It is of note, Commissioner Rowland has sat through many WDFW Commission Meetings and many sessions of Open Public Input

and has seen and heard repeatedly the rules of Open Public Input read before each and every session of Open Public Input. There is no way after sitting through the reading of these rules that she would not have known that persons who provide Public Input need to be identified by their name and where they are from, for the record) WDFW Commission Meetings webpage / Previous Meetings / 2023 / January 27th 2023 / 1 hr 12 min 00 sec through 1 hr 13 min 11 sec. During this period of speaking. <https://tvw.org/video/washington-fish-and-wildlife-commission-2023011018/>

- **Friday January 27th 2023** {Member of the Public} explains (here I paraphrase and request the reader to go to the Audio Video link to hear the exact statement as spoken by {Member of the Public} that through a Public Records Request the text message to a Commissioner that effected policy decision during a non public input engagement meeting has been revealed. WDFW Commission Meetings webpage / Previous Meetings / 2023 / January 27th 2023 / 1 hr 13 min 00 sec through 1 hr 16 min 28 sec. During this period of speaking. <https://tvw.org/video/washington-fish-and-wildlife-commission-2023011018/>

Paragraph 3 / Sentence 1: **"No public input will be accepted during the meeting."**

Commissioner Rowland had been cc'd on two separate State of Washington Department of Fish and Wildlife Commission documents on separate days each specific to the November 18th 2022 WDFW Commission Meeting:

Paragraph 3 / Sentence 1: **"No public input will be accepted during the meeting."**

You heard the WDFW Commission Chair Barbara Baker ask the WDFW Commission Executive Assistant to read the rules of Open Public Input.

"Please state your name for the record and where you are from."

This raises two Ethical Issues:

#1. **"No public input will be accepted during the meeting."**

#2 **"Please state your name for the record and where you are from."**

For additional insight into the Policies and Rules regarding WDFW Commission Meetings you may wish to contact Attorney Joe Panesko.

He is the AAG Attorney who was present during both meetings.

Attorney Joe Panesko was cc'd, by name and title, on both documents regarding **"No public input will be accepted during the meeting."** (cc: "Joe Panesko, Assistant Attorney General")

I possess email communication from the WDFW Commission Executive Assistant which state:

Friday, December 9, 2022 2:58pm

"Hey Brad, Yes, our AAG is either physically or virtually present for Commission meetings. His name is Joe Panesko. I've cc'd him on the message for you to dialogue with him about your other questions."

He was cc'd on the email reply to me: "Cc: Panesko, Joe V (ATG) <REDACTED EMAIL>"

Second email in the thread with the WDFW Executive Assistant to the Commission:

Saturday 12/10/2022 10:06AM

"Hey, Brad, I can say that he was at the November 18 meeting. Your other questions about our AAG's role and responsibilities etc. are out of my purview of knowledge. Thanks and have a great weekend."

For additional insight into the Policies and Rules regarding Open Public Input during WDFW Commission Meetings you may wish to contact Attorney/Retired Barbara Baker aka WDFW Commission Chair.

She is the WDFW Commission Chair who was present during both meetings. She is the WDFW Commission Chair who instructs the WDFW Commission Executive Assistant to read aloud, into the record, the rules regarding Open Public Input.

Commission Chair Barbara Baker would be a good reference source to confirm Commissioner Rowland, has been present at multiple WDFW Commission Meetings where the Rules of Open Public Input have been read aloud.

This brings to light there were three Attorney's present when:

"No public input will be accepted during the meeting."

There were three Attorney's present when a prohibited public comment was introduced that changed the direction of a Spring Bear Hunting Vote.

This rises to the level of requesting the Current WDFW Commission to consider this Petition

"begin Rule Making for the 2024 RECREATIONAL SPRING BEAR HUNTING SEASON"

(because not all the Commissioners who were present on November 18, 2022 are with the Commission now)

Why the Attorneys who had been notified in writing on two separate documents on two separate dates:

"No public input will be accepted during the meeting."

Why didn't they speak up? Why didn't they say something?

Why did they allow the direction of a Commission Vote be changed by the introduction of a prohibited outside public comment during the meeting immediately prior to the Full Commission Vote on Spring Black Bear Hunting?

They had all been notified **"No public input will be accepted during the meeting."**

Now that the public has a clearer view of the events of the November 18, 2022 Commission Meeting Vote, and the follow up meetings of December 9, 2022 and January 27, 2023, we are left to ask whether or not the issue of a Recreational Spring Bear Hunting Season was fairly considered.

The Commissioners have heard from various members of the public the reasons why the introduction of an outside public comment during a meeting in which no public input will be accepted during the meeting was wrong.

And not just a random comment at some random point in the meeting.

The comment changed the direction of a Commission vote and was introduced right before the final vote.

And multiple people in the room, including Attorneys, allowed it happen.

The volume of Public Comments which have come in to the Department and The Commission in support of the Recreational Spring Bear Hunting Season has been overwhelming.

The Science supporting the Recreational Spring Bear Hunting Season has been overwhelming.

I will conclude my comments here with a quote:

- Real democracy is only possible when people truly imbibe democratic principles and respect ethical values above everything else.

~ Nirmala Srivastava

Sincerely,
Brad Thompson
WASHINGTON STATE
MARCH 23, 2023



State of Washington
Fish & Wildlife Commission

Mailing Address: 600 Capitol Way N, Olympia, WA 98501-1091 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

September 29, 2022

Brad Thomsen

[Redacted]

Email: [Redacted]

Dear Mr. Thomsen:

On September 26, 2022, the Department of Fish and Wildlife received a petition from you requesting the WDFW Commission to "immediately begin rulemaking for the 2023 Spring Bear Hunting Season/2023 Spring Black Bear Special Permit Hunts."

The Commission will formally consider your petition as one of our agenda items during a web conference scheduled for **Friday, November 18, 2022, at 8:00 a.m.**

No public input will be accepted during the meeting. It will be recorded, and the audio/video will be available on the Commission website the following week. You will be sent a letter about the outcome following the Commission's decision.

Pursuant to RCW 34.05.230, the Department has 60 days from receipt of a "Petition for Adoption, Amendment or Repeal of a State Administrative Rule" to either:

- (a) Deny the petition in writing, stating the reasons for the denial, specifically addressing the concerns raised by the petitioner and where appropriate, the alternative means by which it will address the concerns raised by the petitioner;

or-

- (b) Initiate rule-making proceedings.

Thank you for bringing your concerns forward and proposing solutions through the rulemaking process. Feel free to call me if you have any questions.

Sincerely,

Nichole Klopfer

Nichole Klopfer, Executive Assistant
Washington Fish and Wildlife Commission

cc: Fish and Wildlife Commission
Kelly Susewind, Director
Eric Gardner, Director, Wildlife Program
Joe Panesko, Assistant Attorney General

Chair Barbara Baker, Olympia • Vice Chair Molly Linville
John Lehmkuhl, Wenatchee • Lorna Smith, Port Townsend • Tim Ragen, Anacortes
Donald McIsaac, Hockinson • Kim Thorburn, Spokane • James Anderson, Buckley • Melanie Rowland, Twisp



State of Washington
Fish & Wildlife Commission

Mailing Address: 600 Capitol Way N, Olympia, WA 98501-1091 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

October 4, 2022

Brad Thomsen
[REDACTED]
[REDACTED]
Email: [REDACTED]

Dear Mr. Thomsen:

On September 30, 2022, the Department of Fish and Wildlife received a petition from you requesting the WDFW Commission to "immediately begin/resume possible rulemaking/rulemaking amendments for Black Bear Timber Damage Depredation Permits."

The Commission will formally consider your petition as one of our agenda items during a web conference scheduled for **Friday, November 18, 2022, at 8:00 a.m.**

No public input will be accepted during the meeting. It will be recorded, and the audio/video will be available on the Commission website the following week. You will be sent a letter about the outcome following the Commission's decision.

Pursuant to RCW 34.05.230, the Department has 60 days from receipt of a "Petition for Adoption, Amendment or Repeal of a State Administrative Rule" to either:

- (a) Deny the petition in writing, stating the reasons for the denial, specifically addressing the concerns raised by the petitioner and where appropriate, the alternative means by which it will address the concerns raised by the petitioner;

or-

- (b) Initiate rule-making proceedings.

Thank you for bringing your concerns forward and proposing solutions through the rulemaking process. Feel free to call me if you have any questions.

Sincerely,

Nichole Kloepper

Nichole Kloepper, Executive Assistant
Washington Fish and Wildlife Commission

cc: Fish and Wildlife Commission
Kelly Susewind, Director
Eric Gardner, Director, Wildlife Program
Joe Panesko, Assistant Attorney General

Chair Barbara Baker, Olympia • Vice Chair Molly Linville
John Lehmkuhl, Wenatchee • Lorna Smith, Port Townsend • Tim Ragen, Anacortes
Donald McIsaac, Hockinson • Kim Thorburn, Spokane • James Anderson, Buckley • Melanie Rowland, Twisp

12:37



Harriet >



Fri, Nov 18, 9:52 AM



Fri, Nov 18, 2:00 PM

Should ask to amend
motion to say
recreational hunting of
black bears So
clear it is for all future

A hunt implies 2023

Sat, Nov 19, 2:13 PM



iMessage

