



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



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/RClisi.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): _____

July 2, 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 as a result of:

- the June 30 2023 Washington State Superior Court Judge Mary Sue Wilson's declaratory judgement in favor of the Sportsmen's Alliance Foundation's claim that Fish and Wildlife Commissioner Lorna Smith was in violation of state law prohibiting commissioners from simultaneously holding another elected or appointive office (See attached for quote source document)
- "After her declarative order, Judge Wilson asked the parties to discuss options to resolve the ongoing violation." (See attached for quote source document)
- "Smith was a driving force behind the canceling of the spring black bear hunt and has pressed for other initiatives to destabilize traditional management approaches and systems in the state." (See attached for quote source document)
- Continued:
- Inslee, 5 Fish and Wildlife Commissioners Sued (See attached for quote source document)
- An Evergreen State sportsmen's organization has filed a lawsuit against Governor Inslee and five of his appointees to the Washington Fish and Wildlife Commission and seeks to replace them with vetted and more hunter-and angler-friendly members. (See attached for quote source document)
- WWC cites Baker's difficulty in saying the word hunting – she used "shooting things" before senators last winter. (See attached for quote source document)
- No sportsperson would describe harvesting game as "shooting things," the lawsuit states. (See attached for quote source document)
- Smith dodged a question from lawmakers about the decline in hunting in Washington and didn't address their concerns around promoting hunting and fishing, it says, while Baker openly told senators, "Right now we have so little truly wild areas left that we don't need to be recruiting or retaining anybody to go out there," words that undercut WDFW's and conservation's critical R3 – recruit, retain, reactivate – efforts." (See attached for quote source document)
- And during a commission meeting, Lehmkuhl characterized cancelling the limited-entry spring black bear hunt as a "value issue" about "what's legitimate," according to the lawsuit. (See attached for quote source document)
- All said and done, it states "the Governor appointed a controlling majority of Commissioners who have stated that their priority is non-consumptive use and who have acknowledged hostility to expanding consumptive [opportunities], and who have cited 'values' not found in the statute as a justifying disregarding clear statutory commands." (See attached for quote source document)

(Sort of a long title for this Petition. The above page is the Title for the Petition)

The articles referenced and attached to this Petition were found on and printed from the Internet.

This Petition seeks to remedy the Cancellation of the Washington State Spring Bear Hunting Season.

Commissioner Smith has been involved in the votes to cancel the Washington State Spring Bear Hunting Season.

Commissioner Smith was named in article referencing the Judge's order of June 30 2023. (See attached)

5 Commissioners are named in the article referencing the current lawsuit cited in this Petition. (See attached)

Commissioner Lehmkuhl is named in the article referencing the current lawsuit cited in this Petition. (See attached)

This Petition calls for: begin Rule Making for the 2024 Recreational Spring Bear Hunting Season.

Thank-you.

Brad Thomsen
July 2, 2023



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VICTORY! Judge Declares Washington Game Commissioner Violated Law

Posted on [June 30, 2023](#)

Today, June 30, Washington state Superior Court Judge Mary Sue Wilson issued a declaratory judgment in favor of the Sportsmen's Alliance Foundation's claim that Fish and Wildlife

Commissioner Lorna Smith was in violation of state law prohibiting commissioners from simultaneously holding another elected or appointive office.

"We're very pleased with today's decision that affirms Ms. Smith has been violating state law for more than two years while crafting policy that undermines scientific wildlife management and damages the state's traditions of hunting and fishing," said Todd Adkins, vice president of government affairs for the Sportsmen's Alliance. "It's reassuring to see that law still matters in Washington state, something the Fish and Wildlife Commission would do well to remember in the future."

Smith, who was appointed to the commission in January 2021, has long served on the Jefferson County Planning Commission, with her bio on Washington Department of Fish and Wildlife website pointing out that she is "currently serving her second and third terms" in this position. Washington law is clear on this question. RCW 77.04.040 states that members of the WFWC "... shall not hold another state, county, or municipal elective or appointive office."

After her declarative order, Judge Wilson asked the parties to discuss options to resolve the ongoing violation. The Sportsmen's Alliance is currently reviewing alternatives and will have more to report on the final resolution of this case in the coming days and weeks.

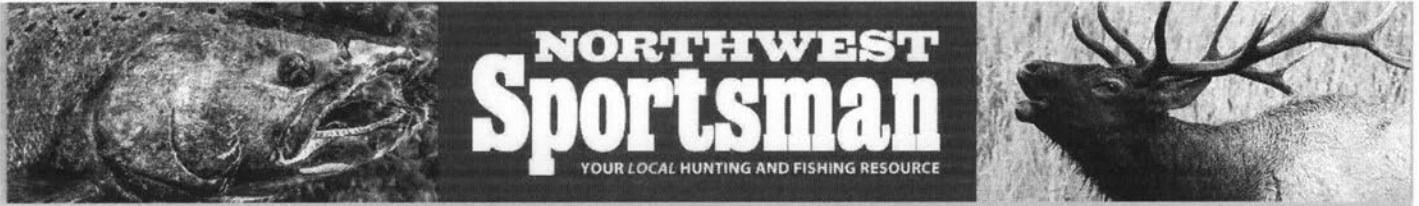
Smith is among a group of new commissioners pushing an extremist view of fish and wildlife management and is adamantly opposed to the North American Model of Wildlife Conservation. Smith was a driving force behind the canceling of the spring black bear hunt and has pressed for other initiatives to destabilize traditional management approaches and systems in the state.

The Sportsmen's Alliance has been watching the actions of the WFWC for more than two years and filed the lawsuit on behalf of its members and sportsmen throughout the state. Joining the lawsuit were two Sportsmen's Alliance members who are residents of Washington. The case is USSAF v. Smith, No. 23-2-00660-34.

About the Sportsmen's Alliance: The Sportsmen's Alliance protects and defends America's wildlife conservation programs and the pursuits – hunting, fishing and trapping – that generate the money to pay for them. Sportsmen's Alliance Foundation is responsible for public education, legal defense and research. Its mission is accomplished through several distinct programs coordinated to provide the most complete defense capability possible. Stay connected to Sportsmen's Alliance: Online, Facebook, Twitter and Instagram.

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Home HEADLINES Lawsuit Filed To Bar Smith From WA Fish And Wildlife Commission

Lawsuit Filed To Bar Smith From WA Fish And Wildlife Commission

By Andy Walgamott March 6, 2023 HEADLINES 0 Comments

Updated, 4 p.m., Monday, March 6, 2023, with comments from the Governor's Office in the 21st-24th paragraphs.

A national sportsmen's organization today filed a lawsuit to bar Lorna Smith from the Washington Fish and Wildlife Commission due to an "ongoing violation of state law" related to her concurrent

position on the Jefferson County Planning Commission.



LORNA SMITH SPEAKS TO THE WASHINGTON GAME MANAGEMENT PLAN DURING A WILDLIFE COMMITTEE MEETING OF THE WASHINGTON FISH AND WILDLIFE COMMISSION LATE LAST MONTH. (TVW)

The Sportsmen's Alliance Foundation says the Revised Codes of Washington are "clear on this question," with RCW 77.04.040 specifically stating that members of the commission "... shall not hold another state, county, or municipal elective or appointive office."

According to Smith's bio on the Fish and Wildlife Commission's website, the Port Townsend resident is in her second term on the Jefferson County Planning Commission, to which she was appointed prior to her January 2021 appointment by Governor Jay Inslee to the Fish and Wildlife Commission. She is slated to serve on the county panel through March 17, 2026; her state position runs through December 31, 2026.

The lawsuit seeks to "prohibit and enjoin Lorna Smith from participating" in the Fish and Wildlife Commission.

"Sadly, this violation is but one example of how off the rails the (Washington Fish and Wildlife Commission) operates under the Inslee administration," said Todd Adkins, vice president of government affairs at the Sportsmen's Alliance, in a press release. "We view this lawsuit as the initial step of a long but important process to bring sanity and decency back to wildlife decision-making in Washington. It all starts here, but trust me, it won't end here. The animal extremists are going to see a lot of the same in the coming weeks and months."

The Ohio-based hunting, fishing and trapping rights organization, which filed the lawsuit in Thurston County Superior Court with two Washington resident members, terms Smith "the driving force behind the canceling of the spring black bear hunt" and says she has also worked other angles to "destabilize traditional management approaches and systems in the state."



Lifestyle Property Experts ...



Last November, the limited-entry permit season that's been around since the early 1970s with an expected harvest of 145 bruins, largely males, was shelved by the commission as a "recreational" hunt but technically still could be used as a "management" tool if WDFW brings forward super-specific proposals to, say, reduce timber damage or mitigate deer fawn and elk calf predation. Smith has been unmoved by Blue Mountains elk herd woes, linked to predation, and voted against a cougar limit increase this season.

The citizen panel that oversees WDFW policies and hires and fires its director has also been working on a new conservation policy for itself and the agency, and a member or two has questioned their twin legislative mandate to maximize hunting and fishing while also conserving the state's critters in perpetuity.

E-FILED
THURSTON COUNTY, WA
SUPERIOR COURT
03/06/2023 - 8:00AM
Linda Myhre Enlow
Thurston County Clerk

1	<input type="checkbox"/> EXPEDITE
2	<input checked="" type="checkbox"/> No hearing set
3	<input type="checkbox"/> Hearing is set
4	Date: _____
5	Time: _____
6	Judge: _____

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

THE U.S. SPORTSMEN'S ALLIANCE
FOUNDATION, MARC NELSON, and
KOLBY SCHAFER,

23-2-00660-34

Plaintiffs,

COMPLAINT

v.

LORNA SMITH,

Defendant.

I. INTRODUCTION.

1. This lawsuit asks the Court to enforce RCW 77.04.040.
2. Pursuant to that statute, members of the Washington Fish and Wildlife Commission "shall not hold another state, county, or municipal elective or appointive office."
3. Defendants are each a member of the Washington Fish and Wildlife Commission and hold another county appointive office.

Smith regularly draws the ire of hunters, 6,500 of whom have signed a petition for her to resign for perceived anti-hunting bias, but at the same time she also routinely voted to approve big game, small game and waterfowl hunting seasons and special permit levels in her first two years on the Fish and Wildlife Commission – votes that filled many a freezer with many many a deer, elk, moose, duck, goose, quail and pheasant, among other species – albeit in 2021 while also trying to peel fall bear season out of the three-year hunting season package and set it as a stand-alone one-year season, a motion that ultimately failed.

The lawsuit arrives as Smith stands to slide in as the new chair of the Wildlife Committee, following last week's departure of hunter favorite Kim Thorburn, who was not reappointed to the commission by Inslee after her term officially expired at the end of 2022.

The committee is working on a two-pronged approach to updating the statewide six-year Game Management Plan and Smith has proposed including a whole new chapter around "Wildlife Management Issues" such as predator-prey relationships and trophic cascades, reviewing what constitutes "actual dangerous wildlife situations and response," hunter ethics and other elements.

At the last meeting, Smith claimed her move was not about abolishing or curtailing hunting, but "(infusing) more science into the process."

"Science has certainly been a big part of the process all along, we all know that, but to be a little bit more transparent and explain how and when science is appropriate and how it's going to be used to help us to manage these species," she stated during a late February Wildlife Committee meeting.

The chair of the committee is elected by its members and at this point, besides Smith, the other two are Melanie Rowland of Twisp and Jim Anderson of Buckley. Rowland would likely vote for Smith.

Like other recent Inslee appointees – Rowland, the resigned Fred Koontz – Smith is lightning rod and a recent segment on *Fish Hunt Northwest* provided an example.

Cohost Tommy Donlin read from an email by Smith to a constituent about hunter representation on the commission in which she wrote, "Although we don't actively hunt and fish, we endorse both past-times and our freezer is always generously stocked with fish, crab and venison that our neighbors and family generously supply when their harvest is more than they can consume! We operate on the barter system here in our neighborhood."

"It is absolutely illegal. You cannot barter the fish or game you harvest for anything. You cannot, it's not legal," Donlin stated.

Cohost Duane Inglin pointed to Washington Administrative Code 220-200-110, which states, "It is unlawful to offer for sale, sell, purchase, or barter edible parts of wild animals or game birds. It is unlawful to offer for sale, sell, purchase, or barter edible parts of game fish."

Both hosts considered it hypocritical for a sitting commissioner to not know the rules, as well as to try and use it as a connection to hunters and anglers.

In the end the barter tack may not produce much more than smoke or smoked salmon, but going to court is a much more muscular action than usually is seen from sporting quarters and is essentially a page out of environmental and animal rights groups playbook. Washingtonians for Wildlife Conservation is threatening to sue Inslee over recent appointments that have left the commission "out of balance with five environmental/animal-rights members" and "is illegal" per RCWs that say the governor "shall seek to maintain a balance" among members recommended by fishing, hunting, landowner and environmental groups.

This afternoon, Mike Faulk, a spokesman at the Governor's Office, said they had not reviewed the Sportsmen's Alliance Foundation's lawsuit, "but we believe the governor's appointees are qualified to serve under statute."

"It's our understanding that her other position is not one of the disqualifying 'offices' under the statute," he said.

Pressed to identify where that understanding flowed from, Faulk demurred.

"The state's response to the court will address that more specifically. Since this is pending litigation, we don't have more to add here," he said.

Sportsmen's Alliance says it has been watching the Fish and Wildlife Commission for over two years, a period which coincides with the lead-up to the spring bear vote and the appointment of Smith, and is filing the lawsuit on behalf of its members, including Washington residents and avid hunters, fishermen, outdoorsmen and conservationists Marc Nelson and Kolby Schafer, as well as Evergreen State sportsmen in Washington as a whole.

"It's more than a little instructive to note that there is not a single commissioner currently serving on the WFWC that has been confirmed by the senate," added SA's Adkins. "The whole thing is being run like a political cabal, so we can't be surprised that Smith could care less about the rule of law and her own disqualifying behavior."

Speaking of the Senate, the Agriculture, Water, Natural Resources and Parks Committee will hold a public hearing on three Fish and Wildlife Commission members – two sitting and one new – this Thursday afternoon. Chair Kevin Van De Wege (D-Sequim) will bring in Vice Chair Molly Linville of Douglas County, Tim Ragen of Anacortes and new guy on the block Woody Myers of Spokane for a chat.

It will be a second appearance before the committee for Linville, who last year was given a bipartisan 5-2 do-confirm recommendation, with Van De Wege and Sen. Jesse Salomon dissenting. That same day Smith also appeared and drew a narrow, partisan 4-3 do-confirm recommendation. Ultimately, neither appointment was voted on by the full Senate but commissioners can serve without it.

Late this afternoon, Eli Francovich at the *Spokane Spokesman-Review* reported that until half a year ago Linville had served on her home county's planning commission.

"I was advised by out legal counsel that it was not a conflict of interest," Linville told Francovich.

And in the evening, Smith told the *Spokesman-Review* reporter via email, "The Governor's Office was comfortable with my holding that volunteer position when I was appointed. It is my understanding that 'appointive office' as used in RCW. 77.04.040 does not include a volunteer position like a planning commission member who serves in an advisory capacity only. I am proud to have been of service to both my County and my State in these volunteer positions."

Had she won her primary for Jefferson County Commissioner in 2020 and gone on to win the general election, things might be different.

A court challenge will clear up the strength of the RCW around Fish and Wildlife Commission members holding other office, but as it stands, the Sportsmen's Alliance Foundation vows "substantial" moves in the future, meaning a road that's become rocky will become rockier.



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Sportsmen's Alliance Files Suit Against Washington Wildlife Commissioner Lorna Smith

Posted on [March 6, 2023](#)

Today, March 6, 2023, the Sportsmen's Alliance Foundation filed a lawsuit in Thurston County Superior Court to prohibit and enjoin Lorna Smith from participating as a member of the Washington Fish and Wildlife Commission (WFWC) due to her ongoing violation of state law that prohibits an individual from holding an additional elected or appointed office while on the WFWC. Smith is a member of the Jefferson County Planning Commission (JCPC).

Washington law is clear on this question. RCW 77.04.040 states that members of the WFWC "... shall not hold another state, county, or municipal elective or appointive office." Smith has long served on the JCPC, with her bio on Washington Department of Fish and Wildlife website pointing out that she is "currently serving her second and third terms" in this position.

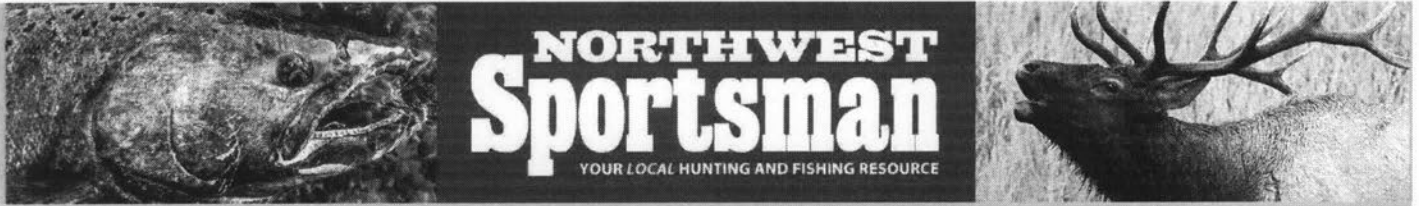
"Sadly, this violation is but one example of how off-the-rails the WFWC operates under the Inslee administration," said Todd Adkins, vice president of government affairs at the Sportsmen's Alliance. "We view this lawsuit as the initial step of a long but important process to bring sanity and decency back to wildlife decision-making in Washington. It all starts here, but trust me, it won't end here. The animal extremists are going to see a lot of the same in the coming weeks and months."

Smith was initially appointed by Inslee in January of 2021 but has not yet been confirmed by the senate. She is among a group of new commissioners pushing an extremist view of fish and wildlife management and is adamantly opposed to the North American Model of Wildlife Conservation. Smith was the driving force behind the canceling of the spring black bear hunt and has pressed for other initiatives to destabilize traditional management approaches and systems in the state.

"It's more than a little instructive to note that there is not a single commissioner currently serving on the WFWC that has been confirmed by the senate," continued Adkins. "The whole thing is being run like a political cabal, so we can't be surprised that Smith couldn't care less about the rule of law and her own disqualifying behavior."

The Sportsmen's Alliance has been watching the actions of the WFWC for more than two years and is filing on behalf of all its members and sportsmen in the state. Joining the lawsuit are two Sportsmen's Alliance members, Marc Nelson and Kolby Schafer, who are residents of Washington. The case is USSAF v. Smith, No. 23-2-00660-34.

About the Sportsmen's Alliance: The Sportsmen's Alliance protects and defends America's wildlife conservation programs and the pursuits – hunting, fishing and trapping – that generate the money to pay for them. Sportsmen's Alliance Foundation is responsible for public education, legal defense and research. Its mission is accomplished through several distinct programs coordinated to provide the most complete defense capability possible. Stay connected to Sportsmen's Alliance: Online, Facebook, Twitter and Instagram.



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Org: Judge Rules Smith WA FWC Appointment Violates State Law

By Andy Walgamott June 30, 2023 HEADLINES 0 Comments

UPDATE 1:45 P.M., JULY 1, 2023 with comments from Commissioner Lorna Smith.

A national sportsmen's foundation says it has won a state court case challenging the appointment of a controversial member of the Washington Fish and Wildlife Commission.



WASHINGTON FISH AND WILDLIFE COMMISSION MEMBER LORNA SMITH DURING A MEETING EARLIER THIS YEAR. (TVW)

Lorna Smith's position on the citizen body overseeing WDFW policies is occurring at the same time she is serving on the Jefferson County Planning Commission, and in March that was challenged in Thurston County Superior Court by the Sportsmen's Alliance Foundation.

Today, it appears to have been ruled a violation of state law.

"The judge, Mary Sue Wilson, issued a declaratory judgement that Lorna Smith's holding of the Jefferson County appointed office is incompatible with appointment and service on the Washington Fish and Wildlife Commission," reported the foundation's Brian Lynn. "In other words, her appointment was in violation of the Fish and Wildlife Commission appointment statute."

Lynn states that his organization's attorneys will meet with state of Washington attorneys next week to talk about how to address the violation.

"We are disappointed with this ruling and are considering next steps as we review the decision further," stated Mike Faulk of the Governor's Office, which appointed Smith in January 2021.

On Saturday, Smith said she wouldn't have a personal statement on the matter, but did say, "I understand the judge held Friday morning that a county planning commissioner is a 'county appointive office.' The court has not yet made any ruling on the proper remedy for the situation. We are waiting to get a copy of the judge's written order, and will be evaluating options at that time."

At issue is Revised Codes of Washington 77.04.040, which specifically states that members of the Fish and Wildlife Commission "... shall not hold another state, county, or municipal elective or appointive office."

When the lawsuit was launched against Smith, an Inslee spokesman stated, "It's our understanding that her other position is not one of the disqualifying 'offices' under the statute."

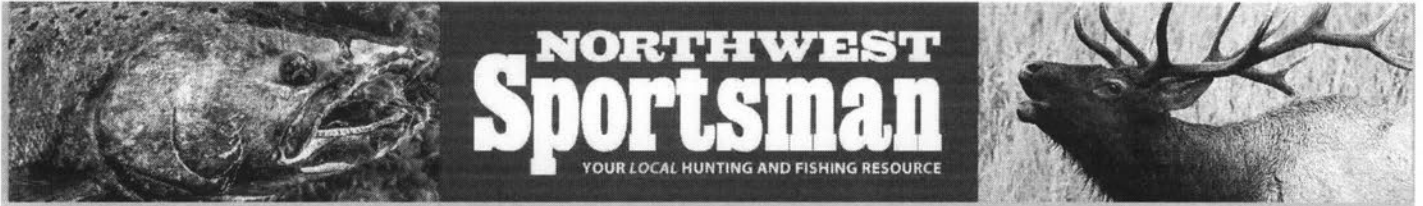
While the foundation had sued Smith, she was defended in court by the state of Washington, meaning on taxpayers' dime, according to Lynn.

The most likely outcome will be for Smith to simply resign from the Jefferson County post and continue on the Fish and Wildlife Commission, but the episode is emblematic of the tense situation around Washington fish and wildlife management as the Governor's Office and state politicians put into place the levers to potentially "reform" the body and the agency it oversees.

While it may inspire a counterlawsuit against commission Vice Chair Molly Linville, who serves on the school board of a tiny district in lower Moses Coulee, the Sportsmen's Alliance declared "victory" in a press release hailing Judge Wilson's decision.

"We're very pleased with today's decision that affirms Ms. Smith has been violating state law for more than two years while crafting policy that undermines scientific wildlife management and damages the state's traditions of hunting and fishing," said Todd Adkins, the organization's vice president of government affairs. "It's reassuring to see that law still matters in Washington state, something the Fish and Wildlife Commission would do well to remember in the future."

Today is the final day to comment on the commission's draft Conservation Policy and the Sportsmen's Alliance Foundation submitted a three-page broadside at the document, saying it "creates conflicts and cross-purposes to the Commission's mandate as established by the legislature (RCW 77.04.012) and should be withdrawn."



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Inslee, 5 Fish and Wildlife Commissioners Sued

By Andy Walgamott June 14, 2023 HEADLINES 0 Comments

An Evergreen State sportsmen's organization has filed a lawsuit against Governor Inslee and five of his appointees to the Washington Fish and Wildlife Commission and seeks to replace them with vetted and more hunter- and angler-friendly members.



GOVERNOR JAY INSLEE, WASHINGTON FISH AND WILDLIFE COMMISSION CHAIR BARBARA BAKER AND COMMISSIONERS JOHN LEHMKUHL, TIM RAGEN, MELANIE ROWLAND AND LORNA SMITH ARE NAMED IN THE WASHINGTONIANS FOR WILDLIFE CONSERVATION LAWSUIT, FILED TODAY IN THURSTON COUNTY SUPERIOR COURT. (STATE OF WASHINGTON)

In court papers filed today, Washingtonians for Wildlife Conservation says that Inslee's quintet has skewed the citizen panel out of its legislatively mandated balance, making it "heavily weighted towards members involved in environmental activism, predator conservation, and former researchers employed by governmental agencies."

The nonprofit alliance of sportsmen's, gun club, fishing and other groups wants the appointments of Chair Barbara Baker of Olympia and Commissioners John Lehmkuhl of Wenatchee, Tim Ragen of Anacortes, Melanie Rowland of Twisp and Lorna Smith of Port Townsend to be declared unlawful and for Governor Inslee to be ordered "to comply with his statutory duties and consult with organized representatives of hunters and fishers in selecting replacement Commissioners."

The lawsuit was filed in Thurston County Superior Court and WWC is being represented by Lane Powell PC, a Seattle-based law firm that recently successfully sued Inslee over his appointments to another state commission.

In that case, which was resolved last December, the Governor's Office was ordered to name two new members to the State Building Code Council after Inslee was found to have "ignored builder group recommendations and instead named two of his own picks," according to the Associated Press. He was also ordered to pay \$70,000 after one of his staffers "made a material false statement in a sworn court declaration by saying one of Inslee's nominees had been put forward by another building trade group, when he had not," AP reported.

This particular filing over Inslee and the Fish and Wildlife Commission in part takes issue with a number of statements some of the commissioners made before state senators during their

confirmation hearings and elsewhere to illustrate their "inability to satisfy the statutory requirements for appointment and their duties as Commissioners," which include maximizing fishing and hunting opportunities.

WWC cites Baker's difficulty in saying the word hunting – she used "shooting things" before senators last winter.

"No sportsperson would describe harvesting game as "shooting things," the lawsuit states.

Smith dodged a question from lawmakers about the decline in hunting in Washington and didn't address their concerns around promoting hunting and fishing, it says, while Baker openly told senators, "Right now, we have so little truly wild areas left that we don't need to be recruiting or retaining anybody to go out there," words that undercut WDFW's and conservation's critical R3 – recruit, retain, reactivate – efforts.

And during a commission meeting, Lehmkuhl characterized cancelling the limited-entry spring black bear hunt as a "'value issue' about 'what's legitimate,'" according to the lawsuit.

It states that in appointing commissioners, Inslee is "obligated" by the Revised Codes of Washington, passed by the legislature, to maintain a balance of members that represent different interests and have been recommended by groups like WWC, but states that the governor "failed to solicit the input of any organization representing hunters and conservationists."

That came up in early 2021 with the appointments of Smith and former commissioner Fred Koontz, and heads were scratched when Ragen, Lehmkuhl and Rowland came aboard in early 2022.

In contrast, the recent appointments of retired state and tribal biologists Woody Myers of Spokane and Stephen Parker of Yakima was termed by the Washington Chapter of Backcountry Hunters & Anglers a "step toward Commission balance and sound management of state resources" that was "heartening" to see.

Still, when Inslee installed Myers and Parker, he also "knowingly replaced a Commissioner known to represent the interests of hunters and conservationists" – Spokane's Kim Thorburn – according to the lawsuit.

All said and done, it states "the Governor appointed a controlling majority of Commissioners who have stated that their priority is non-consumptive use and who have acknowledged hostility to expanding consumptive [opportunities], and who have cited 'values' not found in the statute as justifying disregarding clear statutory commands."

Touching on RCW 77.04.020 which states in part "wildlife management in the state of Washington shall not cause a reduction of recreational opportunity for hunting and fishing activities," the lawsuit declares the five members "not qualified to sit on the Commission and are incapable of carrying out their statutory duties."

It asks the court to issue a judgement "determining that the Challenged Commissioners unlawfully hold their positions as Commissioners of the Washington Department of Fish and Wildlife, and should be restrained from acting in that capacity, and excluded from office in forfeit."

Whether the lawsuit goes anywhere or not remains to be seen, but it's another example of the hunting and fishing world taking pages out of preservationists' thick courtroom playbook.

In another case filed this year, Commissioner Smith is being sued by the Sportsmen's Alliance Foundation for concurrently serving on a county planning commission. She's being represented on the taxpayer's dime; a Governor's Office spokesman said they believed her county position wasn't a disqualifying one, but a ruling is expected later this month.

In this hook-and-bullet reporter's recollection, and outside of the ever-litigious Wild Fish Conservancy, it didn't used to be like this with the Washington Fish and Wildlife Commission. In the not too terribly distant past, a lot of decisions members made were unanimous and things were far, far less acrimonious.

But there appears to be a lot more to play for and a lot more at stake as predator advocates increasingly used the courts and Inslee to attack WDFW management, and recently agitators got state lawmakers to use a Ruckelhaus Center review of the agency in hopes of "reforming" it, i.e., possibly creating a new mandate. Meanwhile, Baker et al are pushing a controversial new draft Conservation Policy for WDFW that has tribal comanagers and venerable organizations like Rocky Mountain Elk Foundation sounding alarms.

It's not very pretty. I'm not really a huge fan of any of it, but in today's world it is what it is.

And that is going to have to be all the time I have for this tonight.