



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)

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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): _____

This petition requests the WDFW Commission begin rulemaking for the return of the Recreational Spring Black Bear Hunting Seasons.

This commission has made decisions that have ignored the science of the WDFW Staff and Biologists, letting special interests dictate the direction of Black Bear Management and ignoring legislative mandates.

This petition calls for the WDFW Commission to collaborate with tribal governments, nontribal government agencies, and historical stakeholders to manage spring black bear season setting.

This recent attempt to ‘re-imagine’ the WDFW Conservation Policy by some on the commission has brought to light the necessity for WDFW and Tribal Governments to work together in managing Washington’s wildlife, wildlife management and season setting and harvest guidelines.

Despite being advised last fall by agency staff to hold meetings with tribes on the policy before making a final decision – counsel that was called “absolutely absurd” by Commissioner Melanie Rowland – the citizen panel went damn-the-torpedoes-full-speed-ahead into a late January vote to approve the Conservation Policy.

That’s when the attorneys got involved as half a dozen Western Washington tribes formally demanded government-to-government consultations with the commission on the ‘unilaterally developed policy,’ stating it was “inappropriate for the state to develop an ambiguous definition of conservation without engaging tribal co-managers as sovereigns.”

((italicized two paragraphs above are from the March 2024 edition of Northwest Sportsman Magazine, page attached at end of petition for credit to original author / source))

This petition presents the point, that Washington Black Bears, just as fish were determined to be in the Boldt decision, that black bears are shared “in common with” state residents.

With something as important as the cancellation of the Washington Spring Black Bear Hunting Season after the Commissioners were told there were enough bears for a hunt, it is important other stakeholders are involved.

<https://tvw.org/video/washington-fish-and-wildlife-commission-2023101006/?eventID=2023101006>

Oct 28 2023

Barbara Baker: 3:26:30

“To bring it home to the, uh, orange hats in the audience, um, we knew, we were told, that we had enough bears to have a bear hunt in the spring”...

HB2424 passed.

SUBSTITUTE HOUSE BILL 2424

State of Washington 68th Legislature 2024 Regular Session

Bipartisan Bill

AN ACT Relating to updating cooperative agreements between the state and federally recognized tribes for the successful collaborative management of Washington's wildlife resources; and creating new sections.

It was inappropriate for this Commission to cancel the Spring Bear Hunting Season without engaging tribal co-managers.

In light of the passage of HB 2424 we see that wildlife in Washington is shared in common with all people.

Black bears do not recognize land boundaries.

Black Bear Management and Season Setting differences between the WDFW Commission and Tribal Managers are significantly different.

One set of management practices has ensured healthy bear populations and a balanced ecosystem.

The other is mired in politics and has upset the ecosystem with negative consequences.

Now is the time to address this wrong.

Historical stakeholders The Washington Forest Protection Association, Washington State University, Washington Department of Natural Resources, The US Forest Service, The US Fish and Wildlife Service, the Weyerhaeuser Company and the University of Washington all recommended the Spring Black Bear Hunting Season, et.al.. ("Black Bear of Washington")

Placing black bear management & season setting decisions in the hands of only the WDFW Commission to the exclusion of other stakeholders, is wrong.

Placing black bear management & season setting decisions in the hands of only the WDFW Commission and not co-managing black bears with the tribes, is wrong.

<https://tvw.org/video/washington-fish-and-wildlife-commission-2023101006/?eventID=2023101006>

Oct 28 2023

Barbara Baker: 3:26:30

"To bring it home to the, uh, orange hats in the audience, um, we knew, we were told, that we had enough bears to have a bear hunt in the spring"...

WDFW Staff and Biologists time and again recommended in favor of the Recreational Spring Black Bear Hunting Season based on science and data.

This petition calls for beginning the Spring Black Bear Hunting Season based on the examples of the successful and sustainable Spring Black Bear Hunting Seasons in the areas of this state that are not impacted by the exclusive decision making of a the WDFW Commission.

This petition presents clear examples of sustainable Spring Black Bear Hunting Seasons that ensure a healthy black bear population.

This petition shows a clear path to implementing a return to a successful Spring Black Bear Hunting Season ensuring balanced and thriving wildlife populations and eco-system.

This commission has searched for science and biologists to fuel their agenda of politics over science.

The public sees that although Stephanie Simek, PH.D., former WDFW Carnivore, Furbearer, Game Bird Section Manager, Wildlife Program, no longer comes to the WDFW Commission Meetings to present information regarding Black Bears it does not go unnoticed that with the absence of a prior expert who provided strong science and data who supported a Washington State Spring Bear Hunting Season, by her absence from WDFW Commission Meetings, it has removed an entire body of science that did in fact support the Spring Bear Hunting Season. (See Document "2022 Spring Black Bear Special Permits" document available online)

The issue is not the Bears.

The issue is who is managing the Bears.

In the recorded words of WDFW Commission Chair Barbara Baker;

"To bring it home to the, uh, orange hats in the audience, um, we knew, we were told, that we had enough bears to have a bear hunt in the spring"...

This petition calls for the WDFW Commission to collaborate with tribal governments, nontribal government agencies, and historical stakeholders to manage spring black bear season setting.

This petition requests the WDFW Commission begin rulemaking for the return of the Recreational Spring Black Bear Hunting Seasons.

I am not going to attach the entire 130 pages of "The Boldt Decision" it can be found on the WDFW website at;

https://wdfw.wa.gov/sites/default/files/2021-12/boldt_decision.pdf

The Department Staff and Department Attorneys that will be reviewing this Petition, can debate the snowball that is currently rolling downhill regarding issues surrounding the WDFW Commission and their emerging co-managing of wildlife as it pertains to the draft conservation policy.

I'll let department staff and the lawyers take a deep dive into the contrast between the Tribal Governments Black Bear Hunting Seasons as they contrast with the Black Bear Hunting Seasons as determined by the WDFW Commission.

The differences are significant.

Portions of this state have robust well balanced eco-systems, and other parts are mired in politics.

Historical stakeholders in Black Bear research and management need to be brought back into the discussions.

Begin Rulemaking for the return of the Recreational Spring Black Bear Hunting Season.

Historically known as the Spring Black Bear Hunting Season.

Thank-you

THE EDITOR'S NOTE

Congrats, fish and wildlife reformists, you somehow managed to align Washington anglers and hunters firmly with the tribes. True, it's a natural match, but it wasn't always so. Far from it.

Last month marked the 50th anniversary of the momentous *Boldt Decision*, when US District Court Judge George Hugo Boldt affirmed tribal treaty-reserved fishing rights to half of Washington's harvestable salmon and steelhead. It followed the Fish Wars, when the state actively suppressed those rights—"an embarrassing and shameful chapter of my agency's otherwise proud and rich legacy," Department of Fish and Wildlife Director Kelly Susewind acknowledged in a special statement on February 12, the actual anniversary.

Boldt was not exactly welcomed with open arms by anglers and others. If I had a nickel for every time I've heard or seen someone blame tribal gillnets for the catastrophic, all-encompassing habitat alterations, overharvest and government policies that since the mid-1800s have affected fish numbers far, far more, I would be rich.



US District Court Judge George Hugo Boldt. (WASHINGTON SECRETARY OF STATE)

BUT THESE DAYS I feel like there's a far better understanding among us and a burgeoning common purpose around protecting and restoring fish and their habitats, as well as providing and maintaining meaningful harvest opportunities and connections to the resources for all. No, things aren't all hunky-dory between tribes, WDFW and sportsmen: Access to the Skokomish River. The Point No Point not-ramp. Grays Harbor coho and steelhead.

However, it is the Washington Fish and Wildlife Commission's Conservation Policy that may have produced the biggest recent shift towards one another. As you've read here and on my blog since September 2021, some commissioners want to put in place worrisome overarching policy guidance for how WDFW manages fish and other natural resources, which it does in coordination with the tribes, and come up with a new definition of "conservation." Despite being advised last fall by agency staff to hold meetings with tribes on the policy before making a final decision – counsel that was called "absolutely absurd" by Commissioner Melanie Rowland – the citizen panel went damn-the-torpedoes-full-speed-ahead into a late January vote to approve it.

That's when the attorneys got involved as half a dozen Western Washington tribes formally demanded government-to-government consultations with the commission on the "unilaterally developed policy," stating it was "inappropriate for the state to develop an ambiguous definition of conservation without engaging tribal co-managers as sovereigns."

To be clear, the tribes were acting to protect their treaty rights, but as the dust has settled, another interpretation of the *Boldt Decision* took hold.

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Tom Nelson, host of *The Outdoor Line* on Seattle's 710 ESPN, told Brandi Kruse of the *[Un]Divided* podcast that the *Boldt Decision* now "has different implications, because now with this action, the tribes have demonstrated that their *Boldt Decision* is actually our *Boldt Decision* now."

The fish are shared "in common with" state residents.

Tweeted state Representative JT Wilcox (R-Yelm) on the ruling hitting the half-century mark, "I'm from the generation that thought this was a disaster & now many of us recognize that without Boldt & without tribes there would be few fish for any of us. Boldt forced the states to preserve salmon so that tribal & non tribal fishing peoples could express their own cultures."

On *Fish Hunt Northwest*, Wilcox said commissioners' statements "make it plain that they have great scorn for their obligation to consult with tribes and it's as if they don't understand that the *Boldt Decision* is a thing that is binding on them."

Rowland, a retired federal Endangered Species Act attorney who is one of the commission's chief proponents of the Conservation Policy, took exception to it being put on pause for consultations with the tribes, a "precedent that is totally open-ended in terms of our workload and how often we will need to do this." She asked, "Are we going to have independent tribal consultation processes with every policy, rule, guidance – I mean, whatever we vote on?"

A response came the next day from Lisa Wilson of the Lummi Nation: "You're damn right," she said to the commission's face. "If it affects our treaty rights, it has to be consultation."

Even as a learned observer told me Rowland's question was "pertinent" in terms of the state's interests, it felt like a grand rebuke to fish and wildlife reformists, and amounted to a 180 from where sportsmen were at in the 1970s, '80s and beyond with the tribes.

ON BOLDT'S 46TH anniversary, I did a piece on Ron Garner, state board president of Puget Sound Anglers, who literally waded into the Stillaguamish River to lend his strength and voice to common cause with the Stillaguamish Tribe – restoring the troubled stream's habitat and its perpetually fishery-constraining salmon runs.

"We've been fighting over the last fish for far too long and it hasn't worked," Garner said in a WDFW video highlighting how sportfishermen, tribes, farmers and others were working together on the effort. "We used to fight with the tribes constantly. Fingerprinting, blaming. We don't want to do that anymore, we want to bring our salmon runs back."

To be clear, that will be harder to do on the Stillaguamish than almost anywhere else, but it set an example by leadership and was illustrative of the overall changing and softening tone critically needed now more than ever to better work together around shared interests and goals.

Flash forward to last month, and *The Outdoor Line's* Nelson pointed out how sportsmen and tribes jointly share the "highest regard" for critters and their habitat "because it is part of their culture and part of their heritage, Brandi, and it's part of mine. I would not know how to exist on this planet if I couldn't hunt and fish. I wouldn't know what to eat."

This camaraderie and good feelings may only last a little while – North of Falcon, which came out of *Boldt* and is the annual divvying up of the harvestable catch, begins March 1 – but I for one am very interested to see where things go from here and stand at the 60th anniversary of the ruling as we realize more and more the strength in combining forces toward common goals. **–Andy Walgamott**