



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 _____
 Mailing Address [REDACTED]
 City Edmonds State WA Zip Code 98020
 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/RClis.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): _____

Sent via Email to:

rules.coordinator@dfw.wa.gov

commission@dfw.wa.gov

Kelly.Susewind@dfw.wa.gov

March 26th, 2025

Rules Coordinator
Washington Department of Fish and Wildlife
P.O. Box 43200
Olympia, WA 98504-3200

Washington Fish & Wildlife Commission
600 Capitol Way N.
Olympia, WA 98501

Director Kelly Susewind
Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia, WA 98501

Director Susewind, Commissioners, and WDFW Rules Coordinator:

In accordance with RCW 34.05.330, please accept this petition asking the Washington State Department of Fish & Wildlife to begin rulemaking for the RETURN of the Washington State Spring Black Bear Hunting Season;

March 25, 2025

“Bear, Cougar Regs by Washington’s Game Commission Unnecessary, Likely Illegal”

<https://sportsmensalliance.org/news/bear-cougar-regs-by-washingtons-game-commission-unnecessary-likely-illegal/>

January 28, 2025

“Sportsmen’s Alliance Sues Washington Fish and Wildlife for Delay on Public Records”

<https://sportsmensalliance.org/news/sportsmens-alliance-sues-washington-fish-and-wildlife-for-delay-on-public-records/>

October 17, 2024

“Sportsmen’s Alliance Wins Case in Washington Supreme Court”

<https://sportsmensalliance.org/news/sportsmens-alliance-wins-case-in-washington-supreme-court/>

In accordance with RCW 34.05.330, please accept this petition asking the Washington State Department of Fish & Wildlife to begin rulemaking for the RETURN of the Washington State Spring Black Bear Hunting Season.

Thank-you

Sportsmen's Alliance



Bear, Cougar Regs by Washington's Game Commission Unnecessary, Likely Illegal

March 25, 2025

The Sportsmen's Alliance recently submitted comments to the Washington Fish and Wildlife Commission opposing proposed regulations to limit cougar (https://sportsmensalliance-my.sharepoint.com/:b/g/personal/tmiller_sportsmensalliance_org/EYpxL5BTtiVArDleEa7WTckBqadZwnPYNO4DjR3Sj0fybQ?e=4BUiFG) and bear (https://sportsmensalliance-my.sharepoint.com/:b/g/personal/tmiller_sportsmensalliance_org/EdF9tEjvNKBJo6aes0a4P58BaHZDYOncPX_dqUPFfvBRVQ?e=BNnxUL) hunting opportunities in the Evergreen State. The commission was briefed on the proposed regulations by the Washington Department of Fish and Wildlife (WDFW) at their March meeting, and they're expected to vote on the changes at an upcoming meeting.

By all accounts, cougars are doing exceedingly well in Washington. However, the commission has proposed rulemaking to establish rigid harvest caps by Cougar Hunt Management Unit (CHMU) and include both harvest and conflict mortalities toward the caps. We oppose this rigid harvest cap structure and the inclusion of conflict mortalities toward the harvest cap.

CHMUs each receive a 16 percent harvest cap. That 16% is allotted to hunter harvest and human-conflict mortalities combined. However, if a CHMU meets the 16% take from conflict mortalities prior to the opening of the cougar hunting season, that CHMU will not open for hunter harvest. Multiple CHMUs in Washington already have or will meet that cap based on conflict mortalities alone, closing those units to cougar

hunting.

To make matters worse, the commission's decision to lump harvest and human-conflict mortalities together not only limits access and opportunity – it is likely unlawful. When promulgating rules allocating harvest caps to two or more sources, courts have ruled that an agency must undertake those allocation determinations independently. Here, WDFW has lumped hunting and conflict mortalities together and placed a single cap on both.

The Sportsmen's Alliance is evaluating options for challenging one or both of these regulations in court should the commission vote to approve them.

Similarly, we oppose the commission's proposal to reduce bag limits and seasons in 20 game management units (GMUs) and the outright closure of an additional 14 GMUs to fall bear hunting. We also oppose the proposal to make it unlawful to kill or possess a cub or a female bear accompanied by a cub. Per WDFW, "[b]lack bears are common" in much of the state, in large part due to the bears' ability to adapt to and thrive in a variety of habitats. WDFW estimates the statewide population at 22,000 bears.

These GMUs, like most of the state, host stable bear populations that can sustain the current levels of hunter effort and harvest, and, to our knowledge, the department has not raised concerns that the occasional take of a cub or a female with cubs in the fall has negatively impacted the bear population or WDFW's bear management goals. While we fully understand the intent behind this proposal, most hunters already make the personal decision to avoid taking cubs or sows with cubs.

The current bear hunting proposals represent rulemaking for the sake of rulemaking – something courts have repeatedly held to be unlawful. Reducing bag limits and seasons further reduces already-limited hunting opportunities and increases the opportunity for conflict situations. The proposed cub and sow rule is unnecessary and will present compliance challenges for hunters and enforcement challenges for WDFW.

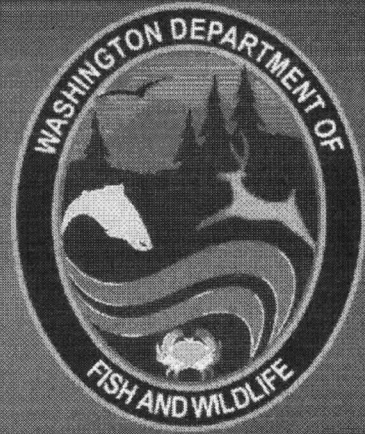
In addition to submitting comments to the commission opposing these proposed regulations, the Sportsmen's Alliance is evaluating options for challenging one or both of these regulations in court should the commission vote to approve them. Washington's sportsmen have continuously worked in collaboration with WDFW to provide data and ensure cougar and black bear hunting does not negatively impact the health of the state's cougar and bear populations. They should not be repaid with reduced opportunities and unnecessary regulations based on emotion.

Hunters have been bullied long enough by the commission, and the Sportsmen's Alliance will not allow it to happen any longer. Join us (https://sportsmensalliance.org/product-category/individual-memberships/?utm_source=constantcontact&utm_medium=email&utm_campaign=alert_join_cta) or donate to the Sportsmen's Legal Defense Fund

Sportsmen's Alliance



V/S



Sportsmen's Alliance Sues Washington Fish and Wildlife for Delay on Public Records

January 28, 2025

Washington Fish and Wildlife Slow-Walks Public Records Request for 16 Months

Today, Jan. 28, the Sportsmen's Alliance Foundation sued the Washington Department of Fish and Wildlife (https://sportsmensalliance.org/wp-content/uploads/2025/01/SAFvWDFW_01_28_25.pdf) in state superior court for the department's withholding of public records in violation of the state's public records act (PRA). The Sportsmen's Alliance initially sought public records in September 2023 pertaining to the business of the Washington Fish and Wildlife Commission, and the department has yet to deliver even a tiny fraction of the documents it identified as relevant to the Sportsmen's Alliance's request.

"Over 500 days have passed, and we've received less than 0.01% of the documents the department identified as relevant to our request," said Dr. Todd Adkins, Senior Vice President at the Sportsmen's Alliance. "Instead, we've been consistently strung along, with delivery promised by ever-extending deadlines. Which begs the question: what is the agency hiding? It's no wonder the state's sportsmen and women have little confidence in this process."

On November 18, 2022, the Washington Fish and Wildlife Commission held a meeting at which it voted to cancel spring bear hunts. The vote came as a surprise to the Sportsmen's Alliance and Washington hunters, as the meeting's agenda gave no indication that a cancellation vote

came as a surprise to the Sportsmen's Alliance and Washington hunters, as the meeting's agenda gave no indication that a cancellation vote would be considered by the commission. Ultimately, spring bear hunting in Washington was canceled (<https://sportsmensalliance.org/news/extremists-attack-washington-bear-lion-hunting-again/>) without providing sportsmen the opportunity to provide meaningful comments.

We are asking the court to compel the release of the public records we've lawfully requested in order to hold the commission accountable for any statutory missteps it may have taken.

— MICHAEL JEAN, Litigation Counsel, Sportsmen's Alliance Foundation

The Sportsmen's Alliance suspected that members of the commission (<https://sportsmensalliance.org/news/sportsmens-alliance-wins-case-in-washington-supreme-court/>) had violated open public meeting laws that would have allowed members of the public, including the Sportsmen's Alliance and its members, to know that such a momentous vote was about to happen. The surprise vote raised concerns that members of the commission had routinely engaged in private communications among themselves concerning commission activities, meetings and votes. In order to investigate the activities of the commission leading up to the meeting and vote, the Sportsmen's Alliance sought public records under the PRA.

Washington's (<https://sportsmensalliance.org/news/category/governmentaffairs/washington/>) PRA requires the department to compile, and release, requested records in a reasonable amount of time. At its current rate in processing our request, the department will take 1,975,034 days, or over 5,411 years, to produce the responsive records. Unfortunately, this comes as no surprise. We've heard from sportsmen throughout Washington who wait for months and even years to get a response to their own requests.

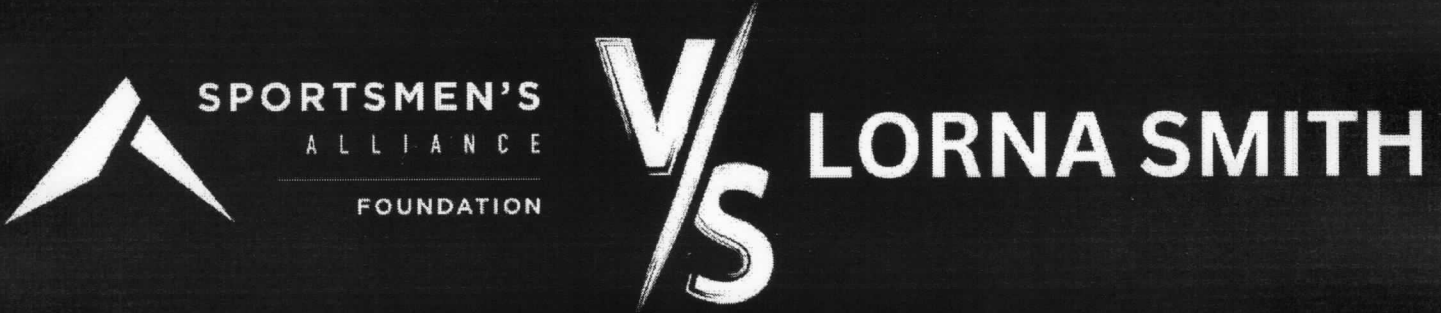
"The department's PRA request system is broken, and we're hopeful our lawsuit results in a voluntary or mandatory fix," said Michael Jean, Litigation Counsel at the Sportsmen's Alliance Foundation. "In the meantime, however, we are asking the court to compel the release of the public records we've lawfully requested in order to hold the commission accountable for any statutory missteps it may have taken."

The Sportsmen's Alliance guarantees hunting, fishing and trapping for the American sportsman now and forever. We're there when sportsmen need us most. We are the only organization specifically created to protect the individual hunter, angler and trapper – no matter the threat. We will never compromise when it comes to defending our way of life in the courts, in the legislatures, in the public square and at the ballot box. We make this promise to the American sportsman: we will never give up and never give in while proudly securing our future against

those seeking to destroy our values, beliefs, and traditions. Stay connected to Sportsmen's Alliance: Online (<https://sportsmensalliance.org/>), Facebook (<https://www.facebook.com/sportsmensalliance>), Twitter (https://x.com/i/flow/login?redirect_after_login=%2Fsportsmensall) and Instagram (<https://www.instagram.com/sportsmensall/>).

Sportsmen's Alliance

VICTORY!



Sportsmen's Alliance Wins Case in Washington Supreme Court

October 17, 2024

Court Agrees that Commissioner Lorna Smith Cannot Concurrently Serve Two Appointed Offices

Today, Oct. 17, the Washington Supreme Court ruled in favor of the Sportsmen's Alliance Foundation (<https://www.courts.wa.gov/opinions/pdf/1023588.pdf>), affirming a trial court opinion concluding that state law prevents Washington Department of Fish and Wildlife (WDFW) Commissioner Lorna Smith from serving as a wildlife commissioner while also an appointed county planning commissioner. Despite a well-reasoned opinion by the Thurston County Superior Court at trial, the state appealed as a last-ditch effort to circumvent the law and protect Gov. Inslee appointee Smith. In today's decision, the Washington Supreme Court reminded everyone – including the governor – that the plain text of the law applies to Smith as equally as anyone else.

"The court has spoken, and it said what we knew was true all along: Lorna Smith broke the law by simultaneously holding two appointed positions," said Dr. Todd Adkins, Senior Vice President at the Sportsmen's Alliance. "It's unfortunate, but not at all surprising, that it took a state supreme court decision to force Washington's animal-extremist ideologues to obey the law. 'Rules for thee, but not for me' has become the

status-quo in Washington, but the Sportsmen's Alliance won't allow the state's sportsmen and women to be bullied into oblivion by the Fish and Wildlife Commission – or anyone else – any longer.”

The Sportsmen's Alliance won't allow the state's sportsmen and women to be bullied into oblivion by the Fish and Wildlife Commission – or anyone else – any longer.

– DR. TODD ADKINS, Senior Vice President, Sportsmen's Alliance

At question was Commissioner Smith's simultaneous holding of two appointed positions (<https://wdfw.wa.gov/about/commission/members>), a direct violation of state statute RCW 77.04.040 (<https://app.leg.wa.gov/rcw/default.aspx?cite=77.04.040>), which holds that “persons eligible for appointment as members of the commission ... shall not hold another state, county, or municipal elective or appointive office.” At trial, the judge agreed (<https://sportsmensalliance.org/news/victory-judge-declares-washington-game-commissioner-violated-law/>). Smith resigned from the Jefferson County Planning Commission, but then Gov. Inslee and the state's Attorney General appealed (<https://sportsmensalliance.org/news/washington-update-lorna-smith-appeals-loss-to-supreme-court/>), seeking to protect ideological nominees like Commissioner Smith going forward – a goal of such importance to the administration that Gov. Inslee filed a brief (<https://sportsmensalliance.org/wp-content/uploads/2024/10/Inslee-Amicus-Motion.pdf>) encouraging the court to allow him to appoint who he sees fit, despite the law. In May, SAF presented oral arguments (<https://sportsmensalliance.org/news/sportsmens-alliance-foundation-argues-before-washington-supreme-court/>) before the Supreme Court.

“A win at any level is great, but a win at a state's highest court should especially be celebrated,” said Michael Jean, Litigation Counsel at the Sportsmen's Alliance Foundation. “The letter of the law here is clear, and despite the smoke and mirrors Gov. Inslee and Commissioner Smith used to mask their disregard for the law, the Washington Supreme Court saw through it. We'll keep this win in our pocket as we continue to defend hunters, anglers and trappers in courts across the country.”

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 (<https://sportsmensalliance.org/>), Facebook (<https://www.facebook.com/sportsmensalliance>), Twitter (https://x.com/i/flow/login?redirect_after_login=%2Fsportsmensall) and Instagram (<https://www.instagram.com/sportsmensall/>).

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