



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 Thomssen
Name of Organization
Mailing Address P [redacted] [redacted] [redacted]
City Edmonds State WA Zip Code 98020
Telephone [redacted] Email brad@bradthomssen.com

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): _____

Sportsmen's Alliance

VICTORY!



LORNA SMITH

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/>).

RELATED POSTS



SPORTSMEN'S ALLIANCE FOUNDATION ARGUES BEFORE WASHINGTON SUPREME

Sent via Email to:

rules.coordinator@dfw.wa.gov on Thursday October 17th, 2024 01:45pm

commission@dfw.wa.gov on Thursday October 17th, 2024 01:45pm

Kelly.Susewind@dfw.wa.gov on Thursday October 17th, 2024 01:45pm

ruth.musgrave@gov.wa.gov on Thursday October 17th, 2024 01:45pm

Thursday October 17th 2024

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

Ruth Musgrave
Senior Policy Advisor to Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Commissioners, Director Susewind, WDFW Rules Coordinator and Senior Policy
Advisory to Governor Jay Inslee, Ruth Musgrave:

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

From: Brad Thomsen <brad@xxxxxxxxxxxxx.com>
Sent: Wednesday, October 16, 2024 4:14 AM
To: Wildthing (DFW) <WILDTHING@dfw.wa.gov>
Subject: Bear Population estimate

What is the current estimate of black bears in Washington State based on the recent 5 year bear population study results?

In 2021 Staff had written

"The current estimate using the research data would be between 18-21,000 bears."

Thank-you

Brad Thomsen

REPLY

Wildthing (DFW)

Wed 10/16/2024 12:36PM

Dear Mr. Thomsen,

Thank you for contacting the Washington Department of Fish and Wildlife (WDFW).

Information on black bears can be found online at, [Black bear | Washington Department of Fish & Wildlife](#),

Based on the latest data, WDFW estimates that there are approximately 22,000 black bears in Washington across all land ownerships. This estimate accounts for all ages of black bears, including cubs."

That is our latest estimate using all the available density estimates that we have thus far across the state. That estimate will be updated with new data each year and is subject to change.

Sincerely,

Wildlife Program Customer Service

There are now significantly more black bears in Washington State than there were at the time of the cancellation of the Spring Bear Hunting Season.

Sept 12, 2024

Stephanie Landry, Carnivore Section Manager, Game Division

“WDFW Fish and Wildlife Commission Presentation Summary Sheet”

“Any additional opportunity would be in a spring season which the commission has asked us to avoid.”

Oct 28 2023

Barbara Baker: 3:26:30

“... um, we knew, we were told, that we had enough bears to have a bear hunt in the spring”...

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

The following document has not aged well for the Commissioners who voted against the Spring Bear Hunting Season and who voted to end the Spring Bear Hunting Season.

“Responses prepared by WDFW staff to Commissioner Questions after on the Black Bear Spring Special Permit Rule November 10, 2021”

https://wdfw.wa.gov/sites/default/files/2021-11/fwc_nov_15_response_commissioner_questionsv2.pdf

We see that time and science have proven the Spring Bear Hunting Season should never been cancelled and that the WDFW Staff were right:

The spring special permit hunt as proposed supplies additional biological and economic benefits to the department’s wildlife management efforts while meeting the legislative mandate. Additionally, as proposed the spring special permits hunts provide a satisfactory opportunity for hunters and is not deemed detrimental to the lack bear population.

The robust black bear population studies by WDFW biologists, enforcement and including tribal biologists have been working on over the past 5 years which began

in 2020 with hair sample gathering, traps, cameras, etc., which have now concluded, which began in the planning stages in 2017.

New survey protocols were used and the modeling is much more exact than in years past.

The state was divided up into 17 'districts, or units, or management units' (I'm not real clear on the lingo), possibly the correct term was/is "Bear Management by Management Areas"

13 of the 17 units have sustainable / huntable / stable black bear populations.

Based on these new modeling / population study methods, there are some of these units that probably should only have one general season tag per hunter per year.

Some of the units should stay at 2 tags per hunter per year.

Three units show black bear populations so robust they could handle an over the counter spring bear hunting tag plus 2 general season tags per hunter per year.

The 3 units are described as NE Washington has the highest black bear population densities, GMU 615 has the second highest black bear population densities, and the area that would be Skagit County and Whatcom Counties together, has the third highest black bear population densities with 28 bears per 36 square miles.

The Commission is asking Department Staff to turn away from best available science and bear density and population studies.

Stephanie Landry, Carnivore Section Manager, Game Division;

"Any additional opportunity would be in a spring season which the commission has asked us to avoid."

The various 'concerns' brought up in November 2021 by a few select Commissioners have since been proven to be wrong when science and WDFW Staff population studies are now available.

We will begin with Question 1 / Answer 1 from November 10, 2021:

Topic: Bear population, density, harvest numbers

Commissioner Smith

1. **What specific black bear population or density estimates are being used for season setting? What information is being used to evaluate harvest given that bears are so susceptible to over harvest?**

Response: We use the guidelines outlined in the Game Management Plan (GMP) that consider percent females in the harvest and the average ages of harvested males and females. This methodology is a common tool use by managers in other states. We do not currently use a population or density estimate to set black bear seasons.

Harvest trends are a good indicator of population levels and we monitor those over time. Based on the trend assessment of these data we do not see direct indicators of over-harvest within the Black Bear Management Unites. We regulate the spring harvest by limiting the number of hunters by using special permits. In addition, we have started collecting density estimates in specific areas of the state. Biologists use these densities, where they exist, as supplemental information on local black bear population. We are working towards a system that would make these data an integral part of harvest recommendations, but this process is still in its infancy.

https://wdfw.wa.gov/sites/default/files/2021-11/fwc_nov_15_response_commissioner_questionsv2.pdf

Time, science and the recently completed 5 year Black Bear Hare Snare Population Studies across Washington State, have shown the Recommendations of WDFW Staff at the time to continue the Washington State Spring Bear Hunting Season was the right thing to do.

While the phrase “the precautionary principle” sounds fanciful and rings the bell of fear mongering, time has not smiled kindly on this strategy by the anti spring bear hunting activists.

Commissioner Smith’s statement “...bears are so susceptible to over harvest” was baseless.

October 17, 2024

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

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

At the time of the cancellation of the Washington State Spring Bear Hunting Season Commissioner Lorna Smith was concurrently serving two appointed offices.

At the time of the cancellation of the Washington State Spring Bear Hunting Season cancellation the WDFW Department Staff and also Director Susewind were in support of the Washington State Spring Bear Hunting Season.

Now is the correct the damage that was done by the cancellation of the Washington State Spring Bear Hunting Season.

Thank-you