



November 28, 2023

Via Email and Public Portal

The Honorable Jay Inslee
Governor of Washington
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Olympia, WA 98504
<https://governor.wa.gov/contacting-governor/contacting-governors-office/send-gov-inslee-e-message>

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RE: Appeal of the Washington Fish and Wildlife Commission's denial of petition to amend WAC 220-440-080 to bring clarity, accountability, and transparency to wolf management

Dear Governor Inslee:

On behalf of Washington Wildlife First, I urge you to grant Petitioners' appeal of the October 28, 2023 decision by the Washington Fish and Wildlife Commission (Commission) to deny our September 15, 2023 petition asking the Commission to engage in rulemaking on wolf management.

You granted such an appeal once before. On September 4, 2020, you directed the Washington Department of Fish and Wildlife (WDFW) to engage in rulemaking on wolf management after the Commission summarily rejected a similar petition. Nearly two years after your directive, the Commission voted to take "no action" on the rulemaking, without ever engaging in a substantive discussion of the concerns you raised—and for the past year, it has reneged on promises to revisit the issue. Petitioners petitioned for rulemaking once more in the hope of facilitating the deliberation that is long past due.

Unfortunately, leadership refused to allow the Commission to give our proposal meaningful consideration—forcing a vote after only 40 minutes of discussion, after preventing Commissioners from hearing from leading scientific experts about the best methods for preventing livestock-wolf conflict, without giving Petitioners the chance to speak in support of the petition, and following an hour-long management presentation opposing the petition that was riddled with false and misleading statements. In this fog of confusion, the Commission voted 6-3 to reject the petition.

This arbitrary and capricious decision-making process is cause enough to grant our appeal, but the most compelling reason is the same as three years ago—the need to reduce wolf mortality. State wolf population growth is flattening. Wolf mortality is skyrocketing. Immigration rates are likely plummeting as wolf populations are decimated across the border. And yet WDFW is continuing to use taxpayer funds to shoot state-endangered wolves.

The Commission had the chance to make Washington a national leader in rational, science-based wolf management. Once more, it passed on that opportunity. Please reverse that decision and ask the Commission to engage in a thoughtful rulemaking process that will give these issues the attention and consideration they deserve.

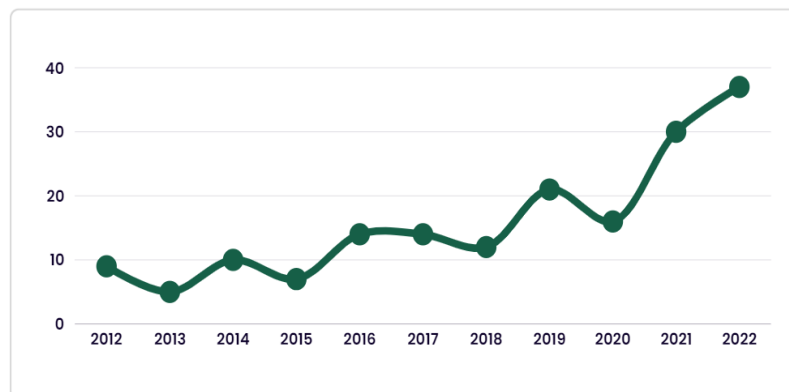
Washington Needs a Rule to Maximize Chances of Wolf Recovery

In 2011, WDFW finalized the [Wolf Conservation and Management Plan \(“Plan”\)](#), establishing principles to guide management of state-endangered wolves. The Commission has never enacted rules to implement this Plan. As a result, instead of managing wolves in accordance with the best-available science, WDFW’s approach has been reactionary, driven by political decisions meant to satisfy small special interest groups. As WDFW’s internal wolf working group [discussed in 2019](#), its wolf management “[d]ecisions are more political than biological,” with staff “asked to make biological opinions to cover for political decisions” and pushed by the “AG Office to justify the director’s decisions.”

To date, [WDFW has killed 43 state-endangered wolves](#),¹ with 75% of these killings due to conflicts with livestock belonging to a single family. Even though [only 25% of the public supports the practice](#), WDFW killed 75% of these wolves due to conflicts with cattle grazing in public forests.

WDFW killed 9 more wolves after your September 2020 letter asking it to reduce wolf mortality, despite the fact that overall mortality skyrocketed during that time. In 2021 and 2022, WDFW reported human-caused mortality of 59 wolves, just shy of 30 wolves a year. By comparison, humans caused the deaths of only 108 wolves during the prior 9 years, for an average of just 12 wolves a year.

Human-Caused Wolf Mortality



If they continue, these levels of mortality could doom Washington’s wolf recovery. A [population study](#) released earlier this year estimated that if hunting rates persist at the current level of tribal take, Washington’s wolves would have less than a 50% chance of reaching state recovery goals within the next 50 years²—without accounting for poaching or for any limiting factors occurring at the same time, such as increased hunting, increased lethal removal, disease, or reduced immigration.

Petitioners File Rulemaking Petitions to Improve Wolf Management

In May 2020, wildlife advocacy groups submitted a prior petition asking the Commission to enact a rule setting standards for wolf management. The [Commission denied](#) that petition on June 26, 2020, and

¹ In addition, WDFW issued a permit to a livestock owner to kill one wolf in 2021.

² Tribal hunts killed 22 wolves in 2021 and 11 in 2022, or 5% and 10.7% of the wolf population in those years. With population modeling, the study concluded that if hunters killed 2.5% of the wolf population every six months (or 5% a year), there was a 44% median probability of reaching recovery goals within 50 years, whereas the chance of recovery sunk to just 11% if hunters killed 5% of the population every six months (10% a year). These probabilities are likely much lower, because these scenarios did not consider other limiting factors, such as poaching or decrease in immigration due to Idaho’s war on wolves.

petitioners appealed. On September 4, 2020, [you granted the appeal](#) and ordered WDFW to commence rulemaking to “institute practices that will avoid the repeated loss of wolves and livestock in our state.”

Nearly 18 months later, WDFW proposed a toothless rule that lacked meaningful or enforceable standards, before urging the Commission to reject that rule. On July 8, 2022, [the Commission voted 5-4](#) to take “no action” on the rulemaking, after a discussion focusing on whether the Commission was legally obligated to adopt a rule, rather than considering whether such a rule was necessary or what it might contain. Despite repeated promises to revisit the issue, the Commission has never done so.

Petitioners filed the current rulemaking petition on July 18, 2023, and then withdrew and resubmitted it on September 15, 2023, after some Commissioners indicated they needed more time to consider the proposal. The petition asked the Commission to conduct rulemaking to develop enforceable standards to guide the use of lethal control actions. Petitioners also submitted a suggested rule to do the following:

- Prohibit killing wolves as a result of predations of cattle grazing on public lands.
- Focus state efforts on helping to implement effective nonlethal methods to prevent conflict.
- Mandate that WDFW cannot consider killing wolves unless the livestock owner has tried at least two appropriate nonlethal methods for at least two weeks (implementing a provision of the current internal protocol that WDFW often disregards).
- Mandate that any lethal control action will target the wolf responsible for predations, preventing WDFW from continuing to randomly shoot wolves, often killing pups too young to hunt, or eliminate entire packs.
- Require WDFW to develop a structured decision-making framework to guide its wolf management actions and gather the information necessary to implement adaptive management.
- Institute transparency measures so the public can monitor wolf management decisions.
- Restore the Plan’s original vision for the state’s “caught-in-the-act” provision, to prevent it from being used as a loophole to allow livestock owners to kill wolves in the vicinity of livestock.

Commission Did not Give Petition Serious Consideration

Although Petitioners withdrew and resubmitted the Petition to allow the Commission four months to consider the proposal, it made little use of that additional time. To the contrary, leadership forced a vote based on misleading and one-sided information, with little chance for deliberation or discussion.

Weeks before the vote, the Commission’s Wildlife Committee arranged for a panel of national experts to discuss the science of co-existing with large carnivores, focusing on lethal and nonlethal deterrence methods for cougars and wolves. But WDFW’s leadership decided that hearing from these experts would somehow create too much legal risk and cancelled the meeting. Since the scientists had already committed, the University of Wisconsin’s Carnivore Coexistence Lab pivoted to [featuring the panel on a webinar open to the public](#), which several commissioners planned to attend. However, leadership’s legal counsel emailed commissioners the night before to tell them they risked personal financial liability if they watched the webinar, because it could be a violation of the state’s Open Public Meetings Law.³ As [University of Wisconsin Professor Adrian Treves wrote](#), “commissioners were told that they could not be exposed to this information during a meeting, and also that they could not be exposed to it outside a meeting,” effectively shutting all avenues for the Commission to hear directly from these leading experts.

³ This advice directly contradicted a [1996 Attorney General Opinion](#), which found that joint attendance at a public meeting called by a third party was not a violation of the OPMA unless the governing body “took action.”

Since the Commission also refused to hear from Petitioners, it was forced to rely entirely on a management presentation opposing the petition, which, as [the Center for Biological Diversity described in a letter](#) before the vote, contained several false and misleading statements. In [another letter, Dr. Treves](#) objecting that management's recommendation misused his science and violated principles of scientific integrity. In addition, management falsely claimed, without evidence, that its approach has resulted in community consensus, decreased tensions, and greater tolerance. But WDFW's policies have actually *decreased* tolerance for wolves and *increased* public tension, as indicated by the recent spike in poaching,⁴ and the continued dissatisfaction of wolf advocates, who have sought to change management practices with five lawsuits and two rulemaking petitions.⁵

Just prior to its vote, the Commission also received [a letter](#) from members of the Wolf Advisory Group (WAG) opposing the petition that [was also based on many false assertions](#). Two WAG members refused to join the letter, and one [has since retracted its agreement](#).

The day of the final vote, hunters in camouflage and animal skins crowded the meeting room and an overflow space. As [Commissioner Lorna Smith described in a letter to leadership](#), this crowd jeered and laughed at commissioners and wildlife advocates, and caused many to feel unsafe due to their aggressive behavior, a limited law enforcement presence, and the suspected possession of concealed firearms (one attendee also reported seeing a knife). In addition to speaking on other issues, the crowd demanded that the Commission reject the wolf petition. Participants later bragged on blogs and websites that they defeated the petition by intimidating wildlife advocates and cowing commissioners.

With no prior discussions or testimony, commissioners were asked to vote on the petition after an hour-long presentation by WDFW leadership opposing the petition and a brief internal discussion—even though some commissioners indicated they wanted more information and time to deliberate. In short, the system was rigged to ensure the Commission rejected the petition, which it did by a vote of 6-3.

Conclusion

Little has changed since you granted the last appeal in 2020. Washington continues to manage wolves without a rule implementing its recovery plan. WDFW continues to kill wolves without scientific support for doing so, even as wolf mortality spikes. And the Commission continues to avoid the issue. We respectfully ask you to exercise your leadership by once more ordering WDFW to consider a rule to reduce wolf mortality, increase agency accountability, and maximize the chance of recovery.

Best,



Claire Loeb Davis
President, Washington Wildlife First

⁴ Since 2012, WDFW's [annual](#) and [monthly reports](#) have documented poachers killing 9 wolves, all in the past three years, and designated 13 wolf deaths as "under investigation" (although it has not revealed the results of those investigations), including 5 in the last three years. It has also documented livestock owners killing 9 wolves in so-called "caught-in-the-act" shootings (most of which were illegitimate) and 2 in dubious "public safety" killings, including 5 in the last three years.

⁵ Indeed, it seems that the only wolf advocates that support WDFW's management are a few representatives it hand-picked for the WAG. WDFW ensures that body reaches "consensus" by [expelling wolf advocates](#) critical of WDFW policy.