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Washington Wildlife First Sues Gov. Ferguson for Illegal Appointment to Wildlife Commission
Lawsuit Filed as Governor Rushes to Gain Senate Approval of His Controversial Appointments

Olympia, WA – Washington Wildlife First [filed suit](#) in Thurston County this week against Governor Bob Ferguson, seeking to compel him to apply the law equally to all appointments to the state wildlife commission.

At issue is Gov. Ferguson's April 5 reappointment of Molly Linville, who was elected to the Palisades School District board in November 2023 and [continues to hold that post](#). Since school districts are considered municipalities, Linville was not eligible for the appointment under [RCW 77.04.040](#), which prohibits the governor from appointing any commissioners who "hold another state, county, or municipal elective or appointed office."

The U.S. Sportsmen's Alliance, a national group representing trophy hunters, [filed suit](#) in 2023 to enforce this law against Commissioner Lorna Smith, who then served on the Jefferson County Planning Commission. A judge ruled these dual roles violated RCW 77.04.040, and Smith resigned from the planning commission. As attorney general, Ferguson fought that ruling before the state Supreme Court, which upheld the decision in fall 2024.

This session, Washington Wildlife First introduced [HB 1685](#), a bill that would nullify RCW 77.04.040 as part of comprehensive reform of the governance system for the Department of Fish and Wildlife (WDFW).

"Our fish and wildlife governance system is dysfunctional, and this statute is just a small part of it," said Claire Loebs Davis, executive director of Washington Wildlife First and the attorney who filed the lawsuit. "It makes very little sense to place control of nearly all state fish and wildlife policy, and the supervision of the Department of Fish and Wildlife, with nine appointed volunteers who need not have any qualifications beyond a 'general knowledge' of fish and wildlife, and who have no democratic accountability to the voters."

"We should encourage people to serve their communities, not prevent commissions from holding unrelated positions on planning commissions and school boards," Davis said. "But as long as RCW 77.04.40 is the law, the governor must follow it for *all* commission appointees, no matter their ideological bent. As the rule of law continues to be eroded at the federal level, it is all the more important for state officials to uphold it."

Governor Jay Inslee originally appointed Lynn O'Connor, a conservationist and the owner of a large ranch in Ferry County, to fill Linville's seat. Ferguson had agreed that Inslee could appoint commissioners to two of the three open seats and was given the chance to provide feedback before appointments were made. However, Ferguson moved to revoke this appointment within days of taking office.

"We assume that one of the reasons Governor Inslee did not reappoint Ms. Linville is that doing so would have violated the law," Davis said. "We raised the same concern to Governor Ferguson's staff prior to his appointments, and were frankly shocked that, as the state's former attorney general, he chose to ignore this law."

In addition to revoking O'Connor's appointment, Ferguson also recalled Inslee's reappointment of Dr. Tim Ragen, the former director of the U.S. Marine Mammal Commission and a preeminent scientist who spent his career focused on protecting and recovering vulnerable species. Although commissioners usually continue to serve until a replacement is named, Ferguson abruptly fired Dr. Ragen in February, effective immediately.

"Dr. Ragen was one of the most qualified commissioners the state has ever seen and he enjoyed an outpouring of support for his reappointment from thousands of Washingtonians, dozens of fish and wildlife advocacy groups,

and fish and marine mammal experts from around the world,” said Dr. Francisco J. Santiago-Ávila, Washington Wildlife First’s science and advocacy director. “Governor Ferguson has never given a reason for firing Dr. Ragen, especially in light of statements by leading orca and wild fish experts that his reappointment was critical to preventing the extinction of many salmon species and the Southern Resident orcas who depend on them.”

Along with Linville, Governor Ferguson also reappointed Commissioner Jim Anderson and appointed new Commissioner Victor Garcia. The governor sent these appointments to the Senate for approval on April 18 and asked Senate Agriculture and Natural Resources Committee Chair Mike Chapman to take quick action to confirm them. Yesterday, the committee suspended the five-day notice rule to convene a confirmation hearing on less than two-days’ notice. It is scheduled to vote on the appointments in executive session Friday.

“We do not understand the need to rush the process for these specific appointments,” Santiago-Ávila said. “The committee should take its time before confirming people to the commission, which is more important now than ever, as our wildlife struggles to survive in the face of existential threats posed by climate change, habitat loss, overexploitation, and the Trump administration, which is quickly dismantling federal wildlife protections.”

Senate leadership has said the appointments will not reach the floor before the session ends Sunday, April 27. But Santiago-Ávila said the damage has already been done by the surprise hearing, hastily convened before the committee had time to prepare and the public had a chance to weigh in. In fact, four of nine committee members either could not attend yesterday’s hearing or left partway through, due to scheduling conflicts as the Senate works to finalize a budget. In the past, commissioners have sometimes waited years before confirmation.

During their prior terms, Linville and Anderson advocated for measures favored by commercial and trophy hunting special interests, including the return of recreational spring bear hunting, the reinstatement of a program that issues permits for timber companies to kill hungry bears for “peeling” trees during the spring, an increase in cougar hunting quotas beyond levels WDFW scientists said were sustainable, and the removal of safeguards that protect wild fish from the dangers posed by the state’s rapidly expanding hatchery production.

Ferguson’s appointments also tilt the balance of the commission, with five of the nine commissioners now being hunters—a contingent that represents less than 3% of the Washington population.

“State wildlife commissions have historically been composed almost exclusively of hunters and anglers, based on the theory that only people who ‘used’ wildlife deserved a seat at the table, but I had hoped that Washington had moved past this archaic concept,” Santiago-Ávila said. He pointed to a [2022 poll](#) that showed that 69% of the population recognizes that wildlife has intrinsic value beyond its use to humans, and 67% percent said all Washingtonians should have an equal say in wildlife management.

“We are not opposed to subsistence hunting of prey species, but hunters have a different perspective on wildlife than most Washingtonians, and the commission manages wildlife on behalf of us all,” he said. Santiago-Ávila contends that the Senate Agriculture Committee needs time to think about this balance and to carefully scrutinize Anderson and Linville’s records before confirming their reappointment to new six-year terms.

“What they will find is that Linville and Anderson have a history of rubber stamping proposals by department management and refusing to exercise meaningful oversight,” he said. He added that the commission’s oversight role is particularly critical now, after the Department of Labor and Industries has cited WDFW for multiple willful and serious safety violations related to the deaths of two employees over the last 15 months.

“If the commission is just going to serve as a rubber stamp, why does it exist at all?” he asked.

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Washington Wildlife First is a 501(c)(3) nonprofit organization dedicated to transforming Washington's relationship with its fish and wildlife from an approach centered around consumptive use to a more democratic paradigm that values science, recognizes the intrinsic value of animals, and prioritizes protecting, preserving and perpetuating wild life.