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June 27, 2025

The Honorable Robert W. Ferguson, Governor of Washington
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

SUPPLEMENT TO PETITION TO REMOVE COMMISSIONERS BARBARA BAKER, JOHN LEHMKUHL, LORNA SMITH, AND MELANIE ROWLAND FROM THE FISH AND WILDLIFE COMMISSION UNDER RCW 43.06.070

INTRODUCTION

The U.S. Sportsmen's Alliance Foundation (Petitioner), on behalf of itself and its members, who include many hunters, anglers, and trappers in the State of Washington, petitioned the Honorable Governor Bob Ferguson on May 16, 2025, to exercise his constitutional and statutory authority to remove Commissioners Barbara Baker, John Lehmkuhl, Lorna Smith, and Melanie Rowland for cause from the Washington Fish and Wildlife Commission. Since delivery of that petition, Petitioner has uncovered new evidence supporting removal. Petitioner offers this new evidence as a supplement to the original petition.

ADDITIONAL GROUNDS FOR REMOVAL

I. Malfeasance—destruction of public records in violation of RCW 40.16.020

The Washington legislature has declared that "All public records shall be and remain the property of the state of Washington." RCW 40.14.020. As thoroughly discussed in the petition, "the people of [Washington] do not yield their sovereignty to the agencies that serve them." RCW 42.56.030. Rather, they "insist on remaining informed so that they may

maintain control over the instruments that they have created.” *Id.* The legislature mandated that records be maintained for at least six years, unless they have been copied and stored elsewhere, RCW 40.14.070(2)(a)(i), and established penalties for those causing injury to public records, RCW 40.16.010 – 40.16.030. *Anyone* “who shall willfully and unlawfully remove, alter, mutilate, destroy, conceal, or obliterate” a public record “is guilty of a class C felony” and subject to five years imprisonment, a \$1,000 fine, or both. RCW 40.16.010. These penalties are increased to a class B felony and 10 years imprisonment, a \$5,000 fine, or both, if such actions are taken by a public officer. RCW.40.16.020.

Unfortunately, Commissioners appear to have destroyed, concealed, or erased – or conspired to do so – communications relating to official Commission business.

Commissioner Barbara Baker, Chair of the Commission, has repeatedly asked other Commissioners and Washington Department of Fish and Wildlife (WDFW) staff to delete text messages discussing substantive Commission business. In a text message to a fellow Commissioner, Baker writes, “You were smart to stay away from this call with Ruth. I wonder if I am conspiring against fellow commissioners.? [sic] I never did that – even with Kim. We’re going to need to talk about this. But for now, please delete[.]” DOCUMENT 150. Baker and the other Commissioner are discussing a call with a representative of former Governor Jay Inslee’s office – a call that certainly covered Commission and government business. And Baker asks her fellow Commissioner to delete the message. The text thread continues: “Ruth is going to talk to our rogue commissioners after tomorrow to let them know all of this is very disappointing to the gov. And... delete. (“D” from now on)[.]” *Id.* Baker’s intent to destroy public records becomes so routine that she now creates a code (“D”) to signify when she would like a public record deleted. Later in the same text message

thread, Baker again conspires with the Commissioner to erase public records, writing “PS – I will delete this post and ask you to do the same.” *Id.* As the Governor knows, conspiring with others to commit a felony (destruction of public records) is also a crime.

Baker also engages in this illegal behavior in text messages with WDFW staff. In a text message thread discussing a Commission meeting agenda and another WDFW staffer, Baker asks a staff member to “Please delete” the messages. DOCUMENT 151. Later in the text conversation, Baker forwards a voicemail from Commissioner Lorna Smith to the staff member to illustrate “pushback” the Commission is receiving. Baker again asks the member to delete the message. *Id.* Later in the thread, Baker tells the staff member, “Also, I probably shouldn’t have sent you Lorna’s voicemail. ***Please keep it to yourself.***” *Id.* (emphasis added).

And Baker’s intent to destroy public records appears to go beyond conspiring to do so. In a text message thread with Commissioner Melanie Rowland, it appears that Baker does, in fact, delete substantive text messages. For instance, at 8:34 AM on June 7, 2022, Baker texted Rowland: “Good morning Melanie – I just sent you an email asking if we could talk later today and realized that might not be the best way to get in touch with you.” DOCUMENT 152. At 2:14 PM on that same day—in the very next text on the thread—Baker seemingly responds to a message from Rowland: “Sure thing, Melanie. I’d like to talk about beavers. But I’ll probably be busy until about five or 530. If that’s too late, I understand. No huge hurry we could talk tomorrow.” *Id.* The text message thread received through a Public Records Act (PRA) request does not show any text messages between Baker’s 8:34 AM and 2:14 PM messages. Yet, she responds to a non-existent message, leading Petitioner to the only available conclusion – she seemingly deleted text messages that occurred between those times.

Baker appears to willfully destroy and conspire to destroy public records appertaining to her role as Chair of the Commission. As Chair – the de facto leader of WDFW – Baker has certainly been trained on lawful maintenance (and the penalties for destruction) of public records related to her office. And if that training or knowledge somehow eluded her in her role as Chair, Baker’s long career as an attorney in the Washington legislature undoubtedly exposed her to the state’s public records preservation and destruction laws.¹ For the last decade of her career, Baker served as the Chief Clerk of the House of Representatives. *Id.* According to House rules, “The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.”² Indeed, “[i]t shall be the duty of the clerk and the secretary to advise the party caucuses in each house concerning the necessity to keep public records.” RCW 40.14.140; RCW 40.14.170 (Chief Clerk of the House shall preserve recordings.). Baker knows the law, she’s broken it, and she’s directed other Commissioners and WDFW staff to do the same.

And they have. Commissioner Melanie Rowland has admitted to deleting (or at least thinking she had) substantive text messages. In a November 2022 Commission meeting, at which the Commission voted to end the spring bear hunting season, Rowland announced that she had received a text message from a constituent and that an amendment needed to be made to clarify that the vote would permanently end the hunt. This announcement resulted in multiple PRA requests for the text message Rowland received. When asked by WDFW staff to produce the record, Rowland responded, “That meeting was close to a month ago. I don’t have that text message any more.” DOCUMENT 153. Ultimately, with

¹ <https://wdfw.wa.gov/about/commission/members> (last visited June 24, 2025).

² <https://leg.wa.gov/about-the-legislature/legislative-procedures/house-rules/?chapter=Rule%205%20> (last visited June 24, 2025).

the help of multiple staff and others, Rowland was able to find or recover the text message after four weeks of trying. DOCUMENT 154. But she deleted, thought she deleted, or intended to delete the message, in clear violation of state law. Not only did she break the law, but if her message was not recovered, the PRA requests would have been unfulfilled, leaving the public in the dark as to what really occurred during that meeting and vote.

An apparent destruction of public records by Commissioner John Lehmkuhl did just that. In response to Petitioner's PRA discussed in the original petition, Lehmkuhl was unable to find responsive communications *known to have occurred* based on records retrieved from other Commissioners. He told WDFW staff, "As to the private emails to or from me from other commissioners [redacted], I have no idea why those emails are no longer on my computer. They *may have been deleted* early in my tenure as a Commissioner before I knew of the importance of retaining such emails and had not been the subject at that time of a PRR. *Certainly, they were not lost before [Petitioner's] PRR was filed.*" DOCUMENT 155 (emphasis added). Here, Lehmkuhl admits that he may have deleted public records, and that the records went missing *after* they were requested by Petitioner under the PRA. Not only does Lehmkuhl admit to, at the very least, losing public records, but his apparent deletion of these records resulted in missing records responsive to Petitioner's request.

CONCLUSION

Petitioner is continuing to exercise the right to petition the Governor, and we continue to respectfully ask the Governor to remove Commissioners Barbara Baker, John Lehmkuhl, Lorna Smith, and Melanie Rowland for cause from the Washington Fish and Wildlife Commission. The legal authority and grounds for removal articulated in the original petition, coupled with this supplement, provide more than enough evidence of

misconduct, malfeasance, and incompetence to justify dismissal. In addition to their multiple other violations of law and public trust, Commissioners have appeared to willfully destroy and erase public records and have encouraged others to do the same, leading to a culture of collusion and secrecy. Again, Petition respectfully asks that you exercise the power granted to you by the legislature and the Washington Constitution to put an end to these ongoing abuses without delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Heusinkveld". The signature is written in a cursive, flowing style.

Evan Heusinkveld
President and Chief Executive Officer
Sportsmen's Alliance

[REDACTED]

You were smart to stay away from this call with Ruth. I wonder if I am conspiring against fellow commissioners.? I never did that – even with Kim. We're going to need to talk about this. But for now, please delete

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ruth is going to talk to our rogue commissioners after tomorrow to let them know all of this is very disappointing to the gov. And... delete. ("D" from now on)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
Personal - Not responsive
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] This is a very big deal
to me. B
PS - I will delete this post and ask you to do the same.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 22, 10:56 AM

Please don't send out this agenda until we talk again. I'd like to see the final.

I'm not sure how [REDACTED] could be surprised by my comments. I said the same thing in his office. Just a little growly about that. I wish I could be so virtuous. We are in the midst of a serious global crisis and must have resources to respond. I don't need him to agree but at least would appreciate understanding the views of each of us – not just me. I enjoy [REDACTED] but don't understand him often. **Please delete.**

[REDACTED] /22, 2:58 PM

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

Please delete. Sending it along only to illustrate the kind of pushback I'm getting. Lorna is not the only one. It will be rocky but we will get through it.

[REDACTED]

Please call when you can.

[REDACTED]

Now have received similar calls from Don and Tim. Dreading Friday. Thanks for asking Joe for the motion. Please forward it to me when you get it. Also, I probably shouldn't have sent you Lorna's voicemail. Please keep it to yourself.

[REDACTED]

[REDACTED]

[REDACTED]

DOCUMENT 152

iMessage
5/16/22, 6:54 PM

Have you been listening from the beginning?

Just the intro to this section. This is pretty clunky. I endured Jay Holzmilller, who is a past commissioner, talk about how great Kim and Jim are to their cause. Reminded me that things are better now. I seem to be frozen presently.

You didn't hear the part about how terrible the new commissioners are? :)

Well, it wasn't JUST the new commissioners. It was all of us that don't automatically agree with them. I'm sure you're not concerned. Don't worry about it. I sure don't.

And that was Jay. You'd have to know him....

Everyone is asking about antler shed hunters. I've never thought about this. Heard there was a 3 mile backup for those looking just to park their cars to go look for sheds. Who knew?

Yes, it was the 5 of us. I'm not a bit worried. Amused.

The last 2 who testified were very interesting.

Imbeciles

██████████ is the sender of the PDR on commissioners' emails with conservation groups on wolves. etc.

He can't let hunters on his land but wants us to

6/7/22, 8:34 AM

Good morning Melanie – I just sent you an email asking if we could talk later today and realized that might not be the best way to get in touch with you.

6/7/22, 2:14 PM

Sure thing, Melanie. I'd like to talk about beavers. But I'll probably be busy until about five or 530. If that's too late, I understand. No huge hurry we could talk tomorrow.

7/15/22, 10:34 AM

Great point!!



Date : 22/12/15 12:57 AM
From : "[REDACTED] (DFW)"
To : "[REDACTED] (DFW)" [REDACTED]@dfw.wa.gov, "Barbara Baker" bbakerwdfw@gmail.com
Subject : FW: FW: NEW_22417_[REDACTED]_Due_12.16.22

From: Melanie J. Rowland <mjrowland@greatcat.net>
Sent: Wednesday, December 14, 2022 4:56 PM
To: [REDACTED]@dfw.wa.gov>
Subject: Re: FW: NEW_22417_[REDACTED]_Due_12.16.22

External Email

[REDACTED] --

That meeting was close to a month ago. I don't have that text message any more.

Melanie

On 12/14/2022 10:32 AM, [REDACTED] (DFW) wrote:

Here is the request Amy was speaking to the other day. Please provide relevant records by Friday. Thank you!

From: [REDACTED]@dfw.wa.gov>
Sent: Wednesday, December 14, 2022 10:30 AM
To: [REDACTED]@dfw.wa.gov>
Subject: NEW_22417_[REDACTED]_Due_12.16.22

Good morning,

We are in receipt of a new public records request, **PRR No. 22417**.

[REDACTED] requests the following:

(1) requesting the cell phone text conversation between Commissioner Melanie Rowland of the WDFW Game Commission and an unknown member of the public, specifically during the meeting of November 18th 2022. Specifically, where she received comment on the spring bear policy submission. She had stated publicly that she received a text from a friend, but public comment was closed. This is in violation of RCW 42.30.060

Note: The hour of the time during that meeting was 5hrs, 12 min 55 seconds to 5 hours 14 min and 20 seconds.

Please see the **emailed** PRR detailing the request.

Date : 23/01/20 08:51 PM
From : [REDACTED]
To : "Melanie J. Rowland" mjrowland@greatcat.net
Subject : RE: PRR 22417

Yes, I did.

From: Melanie J. Rowland <mjrowland@greatcat.net>
Sent: Friday, January 20, 2023 12:51 PM
To: [REDACTED]
Subject: Re: PRR 22417

External Email

Did you get the new version?

On 1/20/2023 12:49 PM, [REDACTED]:
Yeah I tried to Zoom etc and it was blurry.

From: Melanie J. Rowland <mjrowland@greatcat.net>
Sent: Friday, January 20, 2023 12:28 PM
To: [REDACTED]
Subject: Re: PRR 22417

External Email

I don't think so. This is what I get with a screen shot. I was able to enlarge the screenshot on my laptop screen, but I can't send it in enlarged format. Maybe you should try that.

Melanie

On 1/20/2023 11:40 AM, [REDACTED]:
Thanks, Melanie. I will forward it to IGU. It is a bit small. Is there a way to get a bigger size?

From: Melanie J. Rowland <mjrowland@greatcat.net>
Sent: Friday, January 20, 2023 11:33 AM
To: [REDACTED]
Subject: Re: PRR 22417

External Email

DOCUMENT 154

Hi, [REDACTED] --

I've attached the full screen shot from my phone of the responsive text requested in PRR 22417. You can see that the texts immediately before and after the relevant message are unrelated to the PRR request; instead relating to the state of health of myself and my friend. I ask that DFW redact those unresponsive messages before turning over this document to the requestor(s).

Melanie

On 1/17/2023 9:12 AM, [REDACTED] wrote:

Good morning Melanie,

The department indicated that they need the text message by the end of the week so they have time to process it before giving it to the requestors.

You mentioned you have it in a workable format.

Can you send that by Friday, January 20? Sooner would be appreciated.

Thank you!

[REDACTED]

DOCUMENT 155

To: "FWC PDRs (DFW)" <fwcpdr@dfw.wa.gov>

Subject: RE: Assistance with PRR 23276

Date: Fri, 07 Mar 2025 00:52:06 +0000

Importance: Normal

[REDACTED], I did another thorough search of my private email inbox, folders, archive, and telephone and found no additional documents other than those reported in my original disclosure. As to the private emails to or from me from other commissioners [REDACTED] RCW 5.40.060(2)(e) Attorney Client Privilege, I have no idea why those emails are no longer on my computer. They may have been deleted early in my tenure as a Commissioner before I knew of the importance of retaining such emails and had not been the subject at that time of a PRR. Certainly, they were not lost before this PRR was filed. In any event, those private-email conversations with me that reported by other Commissioners are available to the PRR filers

From: FWC PDRs (DFW) <fwcpdr@dfw.wa.gov>

Sent: Tuesday, March 4, 2025 2:46 PM

To: Lehmkuhl, John F (DFW) <John.Lehmkuhl@dfw.wa.gov>

Subject: Assistance with PRR 23276

Good Afternoon –

I was told you may have additional records for PRR 23276 and that you are looking for some assistance. I am currently available Monday-Friday 9am-5pm. I can either give you a call or coordinate with [REDACTED] to set up a video call. We can also just discuss over email or Teams chat. Let me know what works best for you.

Thank you,

[REDACTED]
Public Records Coordinator | Public Records Unit
Washington State Dept. of Fish & Wildlife
[REDACTED]