

From: Melanie J. Rowland
To: Chiedza Nziramasanga
Cc: Kelly Susewind, Amy Windrope, Nathan Sherrard
Subject: Response to Thomas R. Knoll May 16, 2025, Memorandum
to Kelly Susewind and Amy Windrope
Date: February 9, 2025

Introduction

This investigation is a major step in WDFW management's response to a highly controversial 5-4 Commission vote in November 2022, to cancel the hunting of black bears in the Spring. The controversy has been prominent for years and engenders high emotions. Management's ultimate goal is removal of at least two Commissioners who voted to end the hunt.

Regarding the Spring bear hunt, the vast majority of recreational hunting is done in the Fall, not the Spring, to protect the young animals who have just been born. Hunting black bears in the Spring was originally a management tool to help commercial timber owners prevent bears from tearing up their trees eating sapwood under the bark when they come out of hibernation. It evolved into a recreational hunting opportunity highly valued by some bear hunters and strongly opposed by most Washington citizens:¹ if a sow was killed, her cubs would starve to death in their den. (It can be difficult to determine the gender of a black bear in the field.) Director Susewind has long made it clear that he participated in -- and was strongly opposed to cancelling -- the Spring bear hunt,² for which both Commissioner Smith and I voted.

Keeping in mind this context, I note -- as Mr. Knoll did -- that he works in the Enforcement division of WDFW and has no experience with the laws and policies that are relevant to the questions presented. Nonetheless, Director Susewind

¹ In an October 2022 Poll by Public Policy Polling (Raleigh, North Carolina), 80% of respondents statewide opposed Spring bear hunting. Public comments the Commission received reflected the poll's result.

² See Recording of Nov. 18 meeting at 3 hours 20 minutes for Director Susewind's statement..

asked Mr. Knoll – his own department’s employee -- to do this review of Commissioner Ragen’s records.

Moreover, the review of two cartons of documents by a lawyer unfamiliar with open meetings law and public records law, plus completion of the memo, took only a week. Director Susewind requested Mr. Knoll’s review on May 8, 2025 and the memorandum was completed on May 16, 2025. The extensive Sportsmen’s Alliance Petition to the Governor to remove for records misconduct the Commissioners who voted to end the Spring bear hunt, was also submitted May 16.³ The two Commissioners who are the subject of Mr. Knoll’s analysis were not made aware that such a review had taken place, and we did not receive a copy of Mr. Knoll’s memo until Monday, February 2, 2026, after a public document request had been filed. The information I provide below would have been available to Director Susewind and others in May 2025, had he either spoken to us or sent Mr. Knoll’s memo to us when he received it.⁴

Mr. Knoll’s Charges

A. Failure to recognize the importance of records retention and production compliance

For this charge, Mr. Knoll focuses on a short text I received from a friend at the November 2022 Commission meeting regarding the pending motion to end the legal recreational hunting of bears in the Spring. At the meeting, I acknowledged receipt of the text and suggested a clarification to the motion. During the next break, I was advised that it was not appropriate to consider a comment received after the public comment period had closed. This was early in my term on the Commission, and I did not know this was inappropriate. After the break I admitted my mistake and apologized.

³ The Sportsmen’s Alliance is an Ohio-based organization that represents hunters and gun rights advocates. Interestingly, certain hunters knew about the developing investigation as of May 7. See Attachment 3, a Facebook post by Dale Magart, a hunter who is Secretary of a Washington hunting group.

⁴ Three months after Mr. Knoll’s review, we learned of the Director’s August 5 request to the Governor for an investigation of our conduct, and we learned of it only by receiving a copy of the Director’s request. The Director has yet to have a single discussion with either Commissioner Smith or myself about the charges raised.

When the Department received a formal document request for the text, I looked for it but couldn't find it. It was eventually found on my phone by my husband, who is far more knowledgeable about technology than I am. When we found the text, I first transcribed it (it was very short) and sent it to the Department, and then I sent a screen shot. I was told those forms of the text were not sufficient and that it would have to be transferred electronically in a particular format.

My husband finally was able to send the text electronically, after purchasing a specialized computer program⁵ to do so in the correct format. I simply could not have produced the text any sooner in its correct electronic form. Yet Mr. Knoll concludes that I “purposely delayed providing the needed response.” (Knoll memo p. 3; emphasis added). Since I produced the transcription as soon as the text was located, what would I gain from delaying transmission of the correct electronic form of the text?

In addition, Mr. Knoll notes that I refused to provide responsive documents for a PDR in September 2023 in which the requestor asked 22 very complex questions.⁶ I was not the only Commissioner who did not know how to respond to such a long and complex PDR, and I advised the records staff in an email that I could not respond without help. Staff agreed to help me.⁷

B. Litigation by Claire Loeb Davis and appearance of conflict of interest

Mr. Knoll concludes that I and Commissioners Smith and Ragen had a “tight relationship” with Claire Davis because she sent emails to our personal accounts rather than our WDFW accounts. He says, “Because of this apparent tight relationship, Ms. Davis apparently saw nothing wrong with inviting these three Commissioners to discuss with her and ask questions about a pending lawsuit she filed” on behalf of two conservation organizations. (Knoll memo pp. 4-5; emphasis added)

Contrary to inferences drawn by Mr. Knoll from Ms. Davis's emails to Commissioner Ragen, I did not discuss litigation against WDFW with her or any

⁵ The program is iMazing.

⁶ PDR 23276 (Attachment 1). This Attachment is Document 24 of the Sportsmen's Alliance May 2025 Petition.

⁷ Emails of September 9 and 10, 2024 (Attachment 2). This attachment is Document 31 of the Sportsmen's Alliance May 2025 Petition.

other attorney for a party in litigation with WDFW. I am an attorney in good standing with the Washington Bar Association and have been for 44 years. I worked for the NOAA Office of General Counsel for 15 years and taught at the University of Washington Law School. I fully understand the rule prohibiting discussion of issues in a pending case with the opposing party without my lawyer being present. I would not violate this rule.

C. Meetings with special interest groups and possible collusion

Mr. Knoll asserts that the three Commissioners named in his memo had 20 private meetings with “animal rights interest groups” in 2022-2023. (Knoll memo, p. 5) Mr. Knoll then concludes that we ignored Commission Rules of Procedure that provide that Commissioners represent the interests of all citizens of the state, not only those from special interest groups. He then concludes: “This procedure appears to be clearly ignored when the calendars of [redacted], Rowland, and [redacted] are reviewed.” (Knoll memo, p. 5)

It is my understanding that Mr. Knoll reviewed only documents provided by Commissioner Ragen, not by myself or any other Commissioner. I did not participate in 20 meetings with conservation groups in 2022 and 2023. Moreover, I met with any constituent group that requested a meeting, such as the Backcountry Hunters and Anglers and the Methow Valley Fly Fishers.

D. Excel spreadsheet and possible collusion

Mr. Knoll discusses a spreadsheet with lists of past, present, and future potential commissioners from Claire Davis that was shared with Lorna Smith. He states that this appears to be a conflict of interest, favoring only certain individuals. He concludes that “The extent to which this document was shared with other Commissioners cannot be determined from the record, but it is reasonable to conclude that it was shared with Rowland and [redacted], since communications by Ms. Davis often included those individuals.” (Knoll memo p.6; emphasis added) Mr. Knoll is, once again, reaching unfounded conclusions based on his biases, and he is wrong. I did not see this document.

E. Use of personal email devices

Mr. Knoll states that we had emails with constituents on personal devices “even after the Commissioners were instructed not to use such devices.” (Knoll

memo p. 6). There is no citation for this instruction, and I have not been told to use only my WDFW devices. I have openly used my personal phone and laptop for Commission communications for ease of use, and other Commissioners have as well. I and other Commissioners continue to do so.

I use my personal devices for WDFW communication when I'm travelling to avoid carrying a large, heavy laptop (the one I was assigned by WDFW) along with my personal laptop.⁸ Yes, it can be difficult to respond to document requests when documents are on my personal device, especially when the document request consists of 22 complex questions. Nonetheless, I have searched my personal computer and phone and produced responsive records as best I can.

Conclusion

The Knoll memo is replete with assumptions, inferences, unsupported accusatory opinions, and incorrect conclusions. For example, Knoll assumed I discussed pending litigation against WDFW with the attorney for the plaintiffs, which I did not; he assumed I attended all meetings that were noted on Commissioner Ragen's calendars, which I did not; and he assumed I saw and discussed the Excel spreadsheet from Claire Davis that was in Commissioner Ragen's records, which I did not. Moreover, my difficulties in producing public records responsive to the two requests that Mr. Knoll discusses were due to lack of sufficient skill with electronics for the first charge (delay in providing a text message that was the subject of a PDR), and an extremely long and complex request for the second charge (refusal to respond).

For these reasons, Mr. Knoll's memo should be given no consideration in assessing whether I have engaged in inappropriate conduct while working for WDFW.

⁸ Near the end of 2025, there had been so many PDRs and so much difficulty for Commissioners responding to them, that ways to make it easier were discussed in Executive Session. I asked for a lighter WDFW laptop that would be easier to transport, and I have been promised an upgrade.