

From: [Rebecca Messinger](#)
To: [Cnty 2025 Comp Plan](#)
Subject: FW: This court action is a mirror image of what is happening in Clark County
Date: Monday, July 15, 2024 8:43:32 AM
Attachments: [image001.png](#)
[image002.png](#)
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[image013.png](#)
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[image010.png](#)
[image011.png](#)

Please see the below public comments. Thank you!



Rebecca Messinger
Clerk to the Council
COUNTY MANAGER'S OFFICE

564-397-4305



From: Kathleen Otto <Kathleen.Otto@clark.wa.gov>
Sent: Monday, July 15, 2024 8:16 AM
To: Rebecca Messinger <Rebecca.Messinger@clark.wa.gov>
Subject: FW: This court action is a mirror image of what is happening in Clark County



Kathleen Otto
County Manager

564.397.2458



From: Clark County Citizens United, Inc. <ccuinc@yahoo.com>
Sent: Saturday, July 13, 2024 10:24 PM

To: Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>

Subject: This court action is a mirror image of what is happening in Clark County

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Clark County Council
July 13 2024
P.O. Box 5000
Vancouver, Washington 98666

FOR THE PUBLIC RECORD AND THE COMPREHENSIVE PLAN

Re: This court action is a mirror image of what is happening in Clark County

Dear Councilors,

CCCU NOTES: Lane Powell was the law firm that represented Clark County Citizens United, Inc. in the 1995 Poyfair Decision and the Court of Appeals Div. II ruling in 1999. Both courts ruled in CCCU's favor. But when the county created an Agri-forest "committee" to supposedly "comply" with the court rulings, there were four property rights members chosen by the council, and nine environmental activist members. The members were told to reach a "consensus. Very little of the 36,000 acres or Agri-forest was changed by the committee, and the majority of that land zoning, was decided by staff.

Staff claims that the Agri-forest lands were turned into mostly five acre zoning, but that is not true, according to CCCU's research into the archive notebooks. A great deal of Agri-forest was turned into 20 acre agriculture or 20 acre rural. The Clark County Planning Commission agreed with a minority opinion by the four property rights members, that five acre zoning was appropriate for all of the parcels. But when it went to the council for a vote, they reversed the PC recommendation and sided with the nine environmental activists. They retained the large lot zoning, even though the parcels were much smaller than that zone.

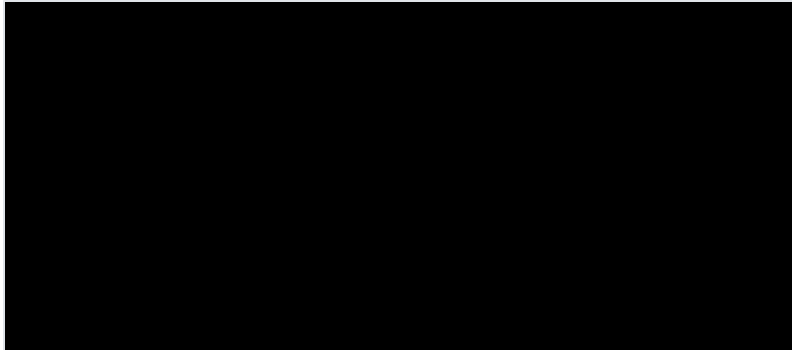
The court ordered that the SEPA and EIS needed to be done over again for those lands. But, Clark County's attorney told the Planning Commission there was enough in the record and revisiting those items was not necessary. In other words, the courts were ignored.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

[Inslee, 5 Fish and Wildlife Commissioners Sued -](#)



Inslee, 5 Fish and Wildlife Commissioners Sued -

Andy Walgamott

An Evergreen State sportsmen's organization has filed a lawsuit against Governor Inslee and five of his appointe...

In court papers filed today, [Washingtonians for Wildlife Conservation](#) says that Inslee's quintet has skewed the citizen panel out of its legislatively mandated balance, making it "heavily weighted towards members involved in environmental activism, predator conservation, and former researchers employed by governmental agencies."

The nonprofit alliance of sportsmen's, gun club, fishing and other groups wants the appointments of Chair [Barbara Baker](#) of Olympia and Commissioners [John Lehmkuhl](#) of Wenatchee, [Tim Ragen](#) of Anacortes, [Melanie Rowland](#) of Twisp and [Lorna Smith](#) of Port Townsend to be declared unlawful and for Governor Inslee to be ordered "to comply with his statutory duties and consult with organized representatives of hunters and fishers in selecting replacement Commissioners."

The lawsuit was filed in Thurston County Superior Court and WWC is being represented by [Lane Powell PC](#), a Seattle-based law firm that recently successfully sued Inslee over his appointments to another state commission.

In that case, which was resolved last December, the Governor's Office was ordered to name two new members to the State Building Code Council after Inslee was found to have "ignored builder group recommendations and instead named two of his own picks," [according to the Associated Press](#). He was also ordered to pay \$70,000 after one of his staffers "made a material false statement in a sworn court declaration by saying one of Inslee's nominees had been put forward by another building trade group, when he had not," AP reported.

This particular filing over Inslee and the Fish and Wildlife Commission in part takes issue with a number of statements some of the commissioners made before state senators during their confirmation [hearings](#) and elsewhere to illustrate their "inability to satisfy the statutory

requirements for appointment and their duties as Commissioners,” which include maximizing fishing and hunting opportunities.

WWC cites Baker’s difficulty in saying the word hunting – she used “shooting things” before senators last winter.

“No sportsperson would describe harvesting game as “shooting things,” the lawsuit states.

Smith dodged a question from lawmakers about the decline in hunting in Washington and didn’t address their concerns around promoting hunting and fishing, it says, while Baker openly told senators, “Right now, we have so little truly wild areas left that we don’t need to be recruiting or retaining anybody to go out there,” words that undercut WDFW’s and conservation’s critical R3 – recruit, retain, reactivate – efforts.

And during a commission meeting, Lehmkuhl characterized cancelling the limited-entry spring black bear hunt as a “‘value issue’ about ‘what’s legitimate,’” according to the lawsuit.

It states that in appointing commissioners, Inslee is “obligated” by the Revised Codes of Washington, passed by the legislature, to maintain a balance of members that represent different interests and have been recommended by groups like WWC, but states that the governor “failed to solicit the input of any organization representing hunters and conservationists.”

That [came up in early 2021](#) with the appointments of Smith and former commissioner Fred Koontz, and heads were scratched when Ragen, Lehmkuhl and Rowland came aboard in early 2022.

In contrast, the recent appointments of retired state and tribal biologists Woody Myers of Spokane and Stephen Parker of Yakima was [termed](#) by the Washington Chapter of Backcountry Hunters & Anglers a “step toward Commission balance and sound management of state resources” that was “heartening” to see.

Still, when Inslee installed Myers and Parker, he also “knowingly replaced a Commissioner known to represent the interests of hunters and conservationists” – Spokane’s Kim Thorburn – according to the lawsuit.

All said and done, it states “the Governor appointed a controlling majority of Commissioners who have stated that their priority is non-consumptive use and who have acknowledged hostility to expanding consumptive [opportunities], and who have cited ‘values’ not found in the statute as justifying disregarding clear statutory commands.”

Touching on [RCW 77.04.020](#) which states in part “wildlife management in the state of Washington shall not cause a reduction of recreational opportunity for hunting and fishing activities,” the lawsuit declares the five members “not qualified to sit on the Commission and are incapable of carrying out their statutory duties.”

It asks the court to issue a judgement “determining that the Challenged Commissioners unlawfully hold their positions as Commissioners of the Washington Department of Fish and Wildlife, and should be restrained from acting in that capacity, and excluded from office in forfeit.”

Whether the lawsuit goes anywhere or not remains to be seen, but it's another example of the hunting and fishing world taking pages out of preservationists' thick courtroom playbook.

In another case filed this year, Commissioner Smith is being [sued by the Sportsmen's Alliance Foundation](#) for concurrently serving on a county planning commission. She's being represented on the taxpayer's dime; a Governor's Office spokesman said they believed her county position wasn't a disqualifying one, but a ruling is expected later this month.

In this hook-and-bullet reporter's recollection, and outside of the ever-litigious Wild Fish Conservancy, it didn't used to be like this with the Washington Fish and Wildlife Commission. In the not too terribly distant past, a lot of decisions members made were unanimous and things were far, far less acrimonious.

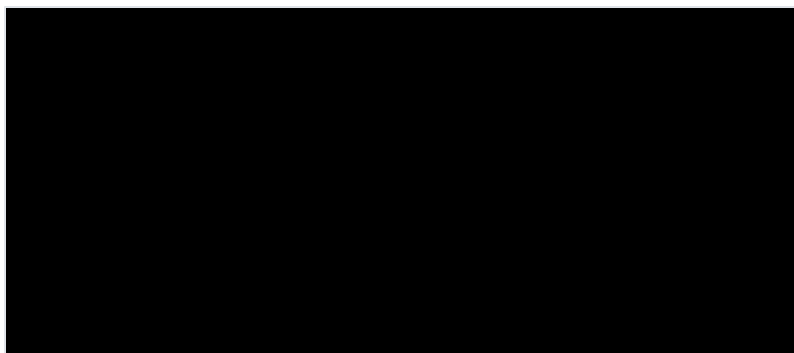
But there appears to be a lot more to play for and a lot more at stake as predator advocates increasingly used the courts and Inslee to attack WDFW management, and recently agitators got state lawmakers to use a [Ruckelhaus Center review of the agency](#) in hopes of "reforming" it, i.e., possibly creating a new mandate. Meanwhile, Baker et al are pushing a controversial new draft Conservation Policy for WDFW that has [tribal comanagers](#) and venerable organizations like Rocky Mountain Elk Foundation [sounding alarms](#).

It's not very pretty, I'm not really a huge fan of any of it, but in today's world it is what it is.

And that is going to have to be all the time I have for this tonight.

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