

August 6, 2026

Governor Bob Ferguson  
Office of the Governor  
Post Office Box 4002  
Olympia, WA 99504

Dear Governor Ferguson,

This letter is in response to the July 2026 Final Report on the Washington Department of Fish and Wildlife Commission Investigation of the actions of several commissioners with regard to public records and the Open Public Meetings Act. It provides necessary context and corrections for the findings in the Report.

When I agreed to serve on the Fish and Wildlife Commission in January 2022, I had no idea that I was placing myself directly in the sights of a small group of hunters, including WDFW Director Kelly Susewind, who would go after me with both barrels. Governor Inslee had chosen scientists and conservation professionals like me in an attempt to achieve a balance of representation on the Commission that had been sorely missing since its inception. Despite the Commission's and Department's primary legal mandate to "preserve, protect, [and] perpetuate" fish and wildlife, the priority of Department management and the Commission historically has been providing more hunting opportunities.

Governor Inslee wanted to appoint commissioners who would provide information and viewpoints that would represent the majority of Washington residents, who do not hunt but who watch or photograph wildlife and care deeply about conserving it, as opposed to under 3% of residents who hunt. This looked like a time when I could help bring the Commission into the modern age.

My first opportunity -- which started the process that led to this investigation -- came early in my term, in November of 2022, when I and four other Commissioners voted to deny renewal of a recreational hunt of black bears in the Spring. That's when the bears are just emerging from hibernation and may have young that will starve to death without their mothers. Bears are routinely hunted in the Fall, just like virtually all other hunted species. Five of us did not believe that it was "fair chase" to allow the Spring hunt and its potential consequences for bears. Only seven other states out of 41 that have black bears allow bear hunting in the Spring.

Apparently, a small group of hunters incorrectly viewed this vote as the beginning of a movement to eliminate hunting. Perhaps more significant, they saw it as a challenge to the power that they historically had to influence WDFW. An Ohio-based hunting and gun rights advocacy organization, the Sportsmen's Alliance, launched multiple fishing expeditions under the Public Records Act to obtain emails and other communications of the commissioners who voted to end the hunt. This dramatically increased the number, scope, and complexity of public document requests and formed the basis for allegations in the investigation.

The Sportsmen's Alliance filed a petition to you to remove the four remaining commissioners who had voted to cancel the Spring hunt. They also filed a Public Records Act lawsuit, which they lost. They succeeded, however, in getting Director Susewind to ask you for an investigation of the conduct of several commissioners, based on responses to public document requests. This was no surprise, given that Director Susewind is a Spring bear hunter who strongly defended the hunt at a Commission meeting.

The resulting investigation was based on a state law providing that any appointed state officer who is found guilty of "incompetency, misconduct, or malfeasance" may be removed. It cost the Department over \$100,000 and many hours of staff time, in an extremely tight budget year. Even after all that time and money, the investigation did not establish that any commissioner's actions rose to the level of misconduct or malfeasance that would form the basis for removal. (Incompetency is not an issue.)

One of the charges levelled at me and other commissioners in the investigation is "collusion" with conservation organizations, based on emails and numerous meetings with leaders of these groups. Excuse me – I could be removed from the Commission for misconduct or malfeasance because I exchanged emails or met with constituents who represent the majority of our citizens? First, the high number of meetings with conservation groups in the Report was based on Commissioner Tim Ragen's placeholders on his calendar; they do not represent actual meetings. And, as I made clear during the investigation, I never discussed litigation against the Department with these constituents. Moreover, I've met with hunting and fishing groups, as well as conservation groups, that requested meetings.

Another charge against me is that I took months to provide a requested text message I received during the meeting when we voted on the Spring bear hunt. (Note that in Director Susewind's interview he incorrectly said it was during a meeting on "the cougar vote.") I submitted both a transcript and a screen shot of the message early on. However, AAG Joe Panesko explained that the text must be submitted in a certain

format, and it took quite a while for me to obtain the computer program necessary to do that. I could not simply turn over my personal phone to the Department because my professional career has been as a licensed environmental attorney, and there are confidential attorney-client communications on my phone.

I was also charged with refusing to respond to a specific document request with 28 desired categories of documents. I advised staff that I did not know how to respond to such a broad request and that I needed help. I did not receive the help I needed, and I did not respond to that request. My refusal to respond “until forced to” was simply an expression of frustration at the number and breadth of requests from the hunting community, clearly designed to overwhelm us and divert us from doing our jobs.

We are also charged with using our personal devices when we had been told not to. This is simply false. We were told that it’s better to use Department devices because of easier searches, but we were never told not to use personal devices. Public records staff were well aware that some of us were using and searching our personal devices. They did not tell us to use only Department devices.

There is clearly a wide difference of opinion on important subjects between Director Susewind and his cohorts in the hunting community, and those of us who are under investigation. We should work with those differences in Commission meeting discussions, not with false, biased charges against commissioners. I am proud of my work as a commissioner. I sincerely hope you do not choose to remove me and other commissioners who share my values, which are those of a large majority of Washington citizens.

Sincerely,

Commissioner Melanie J. Rowland

Cc: Chair Jim Anderson