

1  EXPEDITE  
2  No hearing set  
3  Hearing is set  
4 Date: \_\_\_\_\_  
5 Time: \_\_\_\_\_  
6 Judge: \_\_\_\_\_

STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT

THE U.S. SPORTSMEN’S ALLIANCE  
FOUNDATION, MARC NELSON, and  
KOLBY SCHAFER,

23-2-00660-34

*Plaintiffs,*

COMPLAINT

v.

LORNA SMITH,

*Defendant.*

**I. INTRODUCTION.**

- 1. This lawsuit asks the Court to enforce RCW 77.04.040.
- 2. Pursuant to that statute, members of the Washington Fish and Wildlife Commission “shall not hold another state, county, or municipal elective or appointive office.”
- 3. Defendants are each a member of the Washington Fish and Wildlife Commission and hold another county appointive office.

**II. PARTIES.**

- 4. Plaintiff The U.S. Sportsmen’s Alliance Foundation (“Sportsmen’s Alliance Foundation”) is an Ohio non-profit corporation with a principal place of business in Columbus, Ohio.
- 5. The Sportsmen’s Alliance Foundation is a 501(c)3 organization that protects and defends America’s wildlife conservation programs and the pursuits—hunting, fishing and trapping—that generate the money to pay for them.

- 1 6. Sportsmen's Alliance Foundation is responsible for public education, legal defense and  
2 research.
- 3 7. With the support of thousands of members and donors nationwide, Sportsmen's Alliance  
4 Foundation works to protect and advance our nation's outdoor heritage of hunting, fishing,  
5 trapping, and shooting in all 50 state legislatures.
- 6 8. Sportsmen's Alliance Foundation has members across the United States who share its  
7 interests and goals, and whose interest and goals are promoted by Sportsmen's Alliance  
8 Foundation on their behalf.
- 9 9. Plaintiff Marc Nelson is a resident of the state of Washington.
- 10 10. Nelson is a member of Sportsmen's Alliance Foundation.
- 11 11. Nelson is an avid hunter, fisherman, and outdoorsman.
- 12 12. Nelson is very interested in wildlife conservation and habitat preservation.
- 13 13. Nelson takes a particular interest in the activities, policies, and individual member's votes  
14 of the Washington Fish and Wildlife Commission.
- 15 14. Plaintiff Kolby Schafer is a resident of the state of Washington.
- 16 15. Schafer is a member of Sportsmen's Alliance Foundation.
- 17 16. Schafer is an avid hunter, fisherman, and outdoorsman.
- 18 17. Schafer is very interested in wildlife conservation and habitat preservation.
- 19 18. Schafer takes a particular interest in the activities, policies, and individual member's votes  
20 of the Washington Fish and Wildlife Commission.
- 21 19. Defendant Lorna Smith is a member of the Washington Fish and Wildlife Commission.
- 22 20. Smith is a member of the Jefferson County Planning Commission.

### 23 **III. JURISDICTION AND VENUE.**

- 24 21. This Court has jurisdiction over this matter pursuant to chapter 2.08 RCW, chapter 7.16  
25 RCW, and chapter 7.24 RCW.
- 26 22. Venue is proper in this Court pursuant to RCW 4.92.010.

1 **IV. FACTS.**

2 23. Defendant Lorna Smith is a member of the Washington Fish and Wildlife Commission. *See*  
3 Exhibit A.

4 24. Smith is a member of the Jefferson County Planning Commission.

5 25. The Jefferson County Planning Commission is a county appointive office.

6 26. Specifically, “The Planning Commission is composed of 9 citizen volunteers appointed by  
7 the Board of County Commissioners to support the Department of Community  
8 Development and to make advisory recommendations on land use planning matters to the  
9 Board of County Commissioners as authorized in the Planning Enabling Act (RCW  
10 36.70.040).” *See* <https://www.co.jefferson.wa.us/580/Planning-Commission>, a pdf copy  
11 of which is attached hereto as Exhibit B and incorporated fully herein by reference.

12 27. The Washington Fish and Wildlife Commission meets regularly, and conducts business  
13 including making substantive decisions, at each such meeting.

14 28. Defendant participates in and contributes to the Washington Fish and Wildlife  
15 Commission meetings, agenda, and votes on Commission decisions.

16 **V. CAUSES OF ACTION.**

17 29. Each Cause of Action below relies on and incorporates the foregoing allegations.

18 **A. First Cause of Action: Declaratory Relief.**

19 30. Plaintiffs seek a declaration from this Court that Defendant lacks the qualifications for  
20 membership on the Washington Fish and Wildlife Commission as defined in RCW  
21 77.04.040.

22 **B. Second Cause of Action: Writ of Prohibition.**

23 31. Defendant’s continued actions as a member of the Washington Fish and Wildlife  
24 Commission comprise actions in excess of its jurisdiction.

25 32. Plaintiffs have no plain, speedy, and adequate remedy in the course of legal procedure.

26 33. Plaintiffs therefore seek a writ of prohibition against Defendant barring her from taking  
27 further action as a member of the Washington Fish and Wildlife Commission.

1 **C. Third Cause of Action: Injunctive Relief.**

2 34. Defendant is not qualified to be a member of the Washington Fish and Wildlife  
3 Commission.

4 35. Plaintiffs therefore seek an injunction against Defendant, barring her from taking further  
5 action as a member of the Washington Fish and Wildlife Commission.

6 **VI. PRAYER FOR RELIEF.**

7 WHEREFORE, Plaintiffs pray for the following relief:

8 A. A declaration that Defendant is ineligible for membership on the Washington Fish and  
9 Wildlife Commission;

10 B. Issuance of a Writ of Prohibition against Defendant's participation on the Washington  
11 Fish and Wildlife Commission;

12 C. An injunction against Defendant barring her from taking part in Washington Fish and  
13 Wildlife Commission meetings, votes, or any other Commission action or activity;

14 D. Plaintiffs' costs, including reasonable attorney's fees; and

15 E. Such other relief as the Court finds just and proper.

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March 6, 2023.

ARD LAW GROUP PLLC

By:



Joel B. Ard, WSBA # 40104  
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Attorneys For Plaintiffs

COMPLAINT

*SPORTSMEN'S ALLIANCE FOUNDATION ET AL. V. SMITH* (THURSTON C'TY SUP. CT.)

ARD LAW GROUP PLLC

P.O. Box 11633  
Bainbridge Island, WA 98110  
Phone: (206) 701-9243

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**A**

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## Also in this section

# Commission members

The Washington Fish and Wildlife Commission is comprised of nine citizen members, each appointed by the governor.

## About WDFW

[Administration \(/about/administration\)](#)[Contact us \(/about/contact\)](#)[WDFW Enforcement \(/about/enforcement\)](#)[Regional offices \(/about/regional-offices\)](#)[Fish and Wildlife Commission \(/about/commission\)](#)[State/Tribal Coordination \(/about/state-](#)

## Serving on the Commission

Commission appointees are subject to confirmation by the state Senate.

Members are official upon appointment and serve as voting members while awaiting Senate confirmation.

The Commission must include three members from west of the Cascade Mountains, three members from east of the Cascade Mountains and three “at-large” members who may reside anywhere in the state. No two Commission members may reside in the same county ([RCW 77.04.030](#)).

Each commissioner is appointed to serve a six-year term. If a member resigns before the term expires, the governor appoints a replacement within 60 days to complete the remainder of the term. Incumbent commissioners may be reappointed by the governor to serve additional terms.

Commission members typically work two or three days a month attending public meetings, most of which take place in Olympia, and participating in telephone conference calls.

In addition to regular Commission meetings, each member serves on one or more Commission subcommittees, focusing in-depth on individual fish and wildlife issues. These committees, each comprised of four Commission

tribal-  
coordination)

Advisory  
groups and  
committees  
(/about/advisory)

Publications  
(/publications)

WDFW Lands  
(/about/wdfw-  
lands)

Biweekly  
Wildlife  
Program  
activity reports  
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reports)


Rule making  
(/about/regulations)

Jobs at WDFW  
(/about/jobs)

Information for  
employees  
(/about/employee-  
information)

members working with Washington Department of Fish and Wildlife staff, generally meet in conjunction with regular Commission meeting dates or via telephone conference call.

Commissioners are paid \$100 per workday, and are reimbursed for travel expenses (meals, mileage, and lodging) in the same manner as state employees on work assignment. The Commission elects a new chair and vice chair every other year.

If you are interested in serving on the Commission, visit the Governor's Office website for [more information and access to the online application tool](#)  or contact the governor's Boards and Commissions Office by telephone at 360-902-4110.

## Commission Chair

### Barbara Baker

**(At-large position, Thurston County)**

**Occupation:** Attorney/Retired Administrator

**Current Term:** 01/17/2017 - 12/31/2022

Barbara Baker was appointed to the Commission in January 2017 and was elected as vice chair January 2019 and Chair in March 2022. She is an attorney who retired from a long career in the state legislature to devote time and energy to fulfill the requirements of this important appointment. Barbara's most recent job was as an administrator, serving as Chief Clerk of the House of Representatives for

10 years. Prior to that, she was Policy Director

to the House Democrats and also a researcher on policy and state budget issues. Her professional career began working at McKinley (now Denali) National Park in Alaska and also on the Alyeska pipeline. She comes from a ranching family in Texas and for many years raised Haflinger horses and Romney sheep as well as two daughters, now grown with children of their own.



Barbara Baker, WDFW  
Commission



Chair Baker is an avid outdoorsperson, spending all of her free time hiking, camping, biking, and especially kayaking in Alaska, B.C., and Washington. She loves music and lives on a houseboat on Puget Sound.

## Vice-Chair

### Molly Linville

**(Eastern Washington position, Douglas County)**

**Occupation:** Cattle Rancher/Farmer

**Current Term:** 07/24/2019-12/31/2024



Molly Linville, Interim Chair,  
WDFW Commission

Molly Linville was appointed to the Commission in July of 2019 and elected vice chair in December 2021. She is from a fifth generation wheat and barley farm near Reardan, Washington in Lincoln County. She attended the University of Montana where she completed a Bachelor of Science degree in Wildlife Biology. In 2000, she began working for the U.S. Fish and Wildlife Service as a wildlife

biologist and a wildlife refuge manager. She was attending Washington State University to get a Master of Science degree in Environmental Science, when her father-in-law unexpectedly passed away, leaving his 100 year-old, 6,000-acre cattle ranch, near Wenatchee, Washington to her and her husband, David. Molly left her master's program to attend to the ranch and has been running the operation since 2011.

Molly has worked with state legislators on issues such as; fire suppression in communities not served by a fire district, fire impacts on rangeland, environmental laws that have become too cumbersome for small family farms, the mental health crisis in farming communities, and predator/livestock conflicts.

She currently serves as the Planning Commissioner for Douglas County, and sits on the school board for the nearby two-room school that serves 25 students in Palisades. She previously served as a member of the State's Wolf Advisory Group (WAG).

In 2018, she was awarded the Redd Fund Award from the Society for Range Management for excellence in range management for her work in creating a curriculum on the importance of range land that is taught at fire refreshers across the State of Washington and in parts of Oregon. Her roots run deep in the state and she's spent a career serving the beautiful landscapes and wildlife populations found here.

## Commission members

### James "Jim" R. Anderson

**(At-large position, Pierce County)**

**Occupation:** Retired Administrator

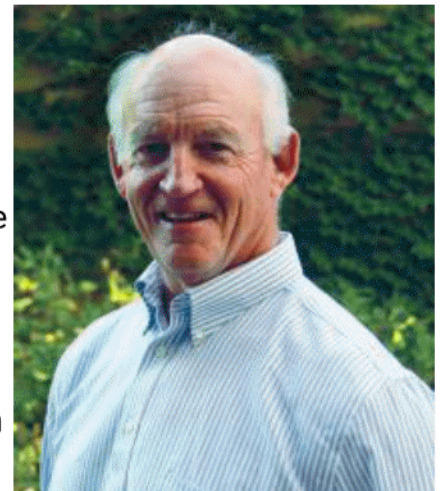
**Current Term:** 07/24/2019 - 12/31/2024

James "Jim" R. Anderson was appointed to the Commission in July of 2019. Jim is a life-long resident of the state, and lives near Buckley in rural Pierce County, very close to land his grandparents bought in 1912 and that is still in the family today. He graduated from Washington State University in 1974 with a Bachelors of Science in Environmental Science and Masters of Science in Environmental Science (Rural and Regional Planning option)

in 1978. He worked 35 years in professional natural resource management. He was the Executive Director of the Northwest Indian Fisheries Commission from 1985 to 2005, before retiring in 2010.

Commissioner Anderson has been and continues to be an active fisher, hunter and outdoor recreationalist. He started fishing when he was 4, and hunted since he was 10, and has had fishing and hunting licenses every year since. He is an avid backpacker, having hiked all of the 508 miles of the Pacific Crest Trail in Washington. A former mountaineer, he has climbed all the major volcanoes in the state numerous times, as well as many other mountains.

He has served on numerous boards and committees at local, state and federal levels. He has been Secretary of the Board of the Puget Sound Restoration Fund and the Washington Water Trust for many years. He was a member of the US Fish and Wildlife Sport Fishing and Boating Partnership



James "Jim" Anderson, WDFW Commission

Council. He served for over two decades on the Enumclaw Regional /St Elizabeth Hospital Board. He has worked with many federal, state and local agencies and understands our governing laws, including treaty rights. He is well connected to tribal communities and values the work they do and the roles they have played in our state. He was a key participant and leader at the Timber-Fish-Wildlife Process, the Chelan Water Agreement, Shared Salmon Strategy, Hatchery Reform Coordinating Committee, and many other efforts.

He and his wife, Dianne Meserve have two children, Katie and Erik.

## **John Lehmkuhl, Ph.D.**

**(Eastern Washington position, Chelan County)**

**Occupation:** Retired, research wildlife biologist with the U.S. Forest Service

**Current Term:** January 24, 2022 - December 31, 2026



John Lehmkuhl is a life-long hunter and fisherman and has lived in Washington since 1983. He has deep roots in Washington's fish and wildlife and is committed to its sound

scientific management. Dr. Lehmkuhl has been a wildlife biologist for 48 years, has multiple degrees in wildlife biology (BS, MS, PhD), and was a wildlife research scientist for 30 years,

John Lehmkuhl, WDFW  
Commission

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mostly with the US Forest Service in Wenatchee. He authored or coauthored over 100 scientific research or management publications on subjects ranging from birds, to flying squirrels, to elk, and to landscape management. He is a strong believer in collaborative efforts, and has led or worked on many committees and teams of professionals and the public with divergent interests.

He is committed to fostering both consumptive uses (e.g., hunting & fishing) and non-consumptive biodiversity aspects of wildlife management. He believes that through sound fish and wildlife management we can contribute greatly to a high quality of life for all Washington citizens. He resides with his wife Katherine, two dogs, and three horses in Wenatchee. In his spare time, he enjoys leather working, horse riding, hunting, fishing, and just plain having fun outdoors.

# Vacant

(Western Washington position, Clark County)

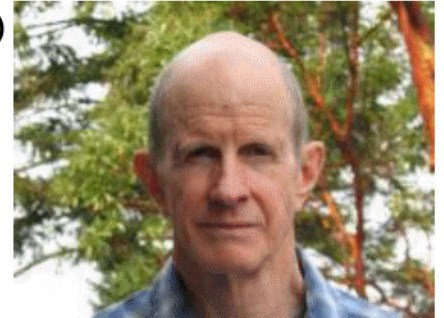
Term expired 12/31/2022

## Tim Ragen, Ph.D.

(Western Washington position, Skagit County)

**Occupation:** Retired, former executive director of the U.S. Marine Mammal Commission

**Current Term:** January 24, 2022 - December 31, 2024



Tim Ragen earned a Ph.D. in oceanography from Scripps Institution of Oceanography at the University of California, San Diego, California in 1990. He is a marine

Tim Ragen, WDFW Commission

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mammal biologist by training, and his dissertation focused on both field and modeling studies of the northern fur seal. After earning his degree he completed a National Research

Council Associateship at the U.S. National Marine Mammal Laboratory, where he continued modeling studies of the northern fur seal. In 1991 he joined the Honolulu Laboratory of the U.S. National Marine Fisheries Service, where he worked as an analyst in the Hawaiian Monk Seal Recovery Program. In 1997 he took a management position as the Steller Sea Lion Recovery Coordinator for the Alaska Region, National Marine Fisheries Service. There his work focused primarily on indirect interactions between the endangered Steller sea lion and the Alaska groundfish fisheries. In 2000 he moved to Washington, D.C., to serve as Scientific Program Director for the U.S. Marine Mammal Commission. In 2006 he was appointed the Commission's Executive Director.

He retired from that position in June 2013 and he and his wife live in Anacortes, WA. Since retiring Tim taught several courses at Western Washington University on environmental risk analysis. He also served as a member of NOAA task forces on pinniped predation on salmonids in the Columbia and Willamette Rivers. Tim's career and that of his wife have taken them to a variety of regions in the U.S. and the world. But when it came to

retirement, they both wanted to return to Washington State. They have been outdoors people since their youth, climbing, hiking, cross-country skiing, and simply taking in the beauty of this great state.

## **Melanie Rowland, J.D.**

**(At-Large position, Okanogan County)**

**Occupation:** Retired, environmental attorney, National Oceanic and Atmospheric Administration Office of General Counsel

**Current Term:** January 24, 2022 - December 31, 2026



Melanie Rowland, WDFW  
Commission

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Melanie J. Rowland has lived in Washington and enjoyed its stunning natural landscapes since the 1970's. She served in the Northwest Regional Office of General Counsel for the National Oceanic and Atmospheric Administration (NOAA), where she advised the National Marine Fisheries Service (NMFS) on matters pertaining to the Endangered Species Act (ESA) and other federal environmental laws. While at NOAA she was a member of the NMFS national working group on the effects of climate change on marine species and co-authored several publications on this topic. Since retiring from NOAA, she has volunteered as a member of the board and legal counsel for the Methow Valley Citizens Council.

Prior to her service with NOAA, Commissioner Rowland was a Visiting Scholar at the University of Washington's Institute for Environmental Studies and the Law School, where she co-authored the country's leading wildlife law treatise and taught courses in conservation biology and wildlife law. Previously, she served as Senior Counsel for The Wilderness Society, and as Assistant Dean at the University of Washington and the University of Puget Sound law schools. She obtained her undergraduate degree from Stanford University and her law degree from the University of Pennsylvania Law School.

Commissioner Rowland and her husband live in Twisp. They enjoy hiking, birding, and cross-country skiing in the beautiful Methow Valley. They also enjoy sea kayaking on the coasts of Washington, BC, and Alaska. She is an avid student of wildlife track and sign and is certified by CyberTracker.

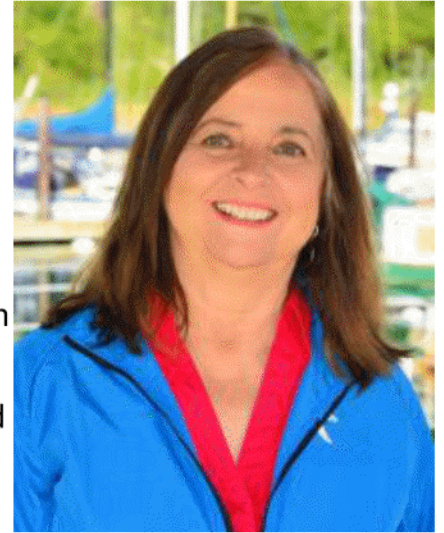
# Lorna Smith

**(Western Washington position, Jefferson County)**

**Occupation:** Retired, Executive Director, Western Wildlife Outreach (WWO)

**Current Term:** 1/4/2021 - 12/31/2026

Lorna Smith was appointed to the Commission in January, 2021. A graduate of Evergreen College, she served as Snohomish County lead environmental supervisor from 1986-2007 specializing in ESA, NEPA, SEPA, the Clean Water Act and other environmental laws. She has served as faculty for several Continuing Legal Education seminars on environmental compliance. Following her time at Snohomish County, she and her biologist husband, Darrell Smith, spent four years in Costa Rica working on habitat projects and establishment of a new national park.



Lorna Smith, WDFW  
Commission

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A 5th generation Washingtonian whose family lived in coastal WA and OR before statehood, Smith grew up on the saltwater. She comes from a long line of lighthouse keepers, hunters, fishers and boaters. The Smith's rural home in Jefferson County overlooks Discovery Bay, Protection Island and the Dungeness Lighthouse where her grandparents were stationed. As one of two coalition leads, Smith received a national conservation award for her work with WDFW, USFWS and Washington's congressional delegation to establish Protection Island National Wildlife Refuge, home to tens of thousands of nesting seabirds. Smith also received recognition from WDFW for her years of service on the Department's Non-game and Lands Advisory Committees. She has also served on WDFW ad-hoc advisory committees focused on large carnivores.

Appointed by the Jefferson County Board of County Commissioners, Smith is currently serving her second and third terms on the Jefferson County Planning Commission and the Jefferson County Conservation Futures Oversight Committee.

# Kim Thorburn, Spokane

(Eastern Washington position, Spokane County)

**Occupation:** Retired public health physician

**Current Term:** 01/23/2017 - 12/31/2022



Kim Thorburn, WDFW Commissioner

Kim Thorburn was appointed to the Commission in March 2015. A retired public health physician, she is a life-long outdoorswoman. Commissioner Thorburn has devoted much time to wildlife conservation as a volunteer with agencies and nonprofit organizations. She has considerable experience with policy development, including a short stint as chair of the Washington State Board of Health. Commissioner Thorburn continues to pursue her interest in bioethics as a member of the Washington State University Institutional Review Board.

Commissioner Thorburn and her husband, Terry Allen, reside in Spokane and enjoy hiking, horseback riding, cross country skiing, bird watching, and wildlife photography.

## About

### Top tasks

Log in to the WILD licensing website (<https://fishhunt.dfw.wa.gov/#/login>)

Get razor clam information (</fishing/shellfishing-regulations/razor-clams>)

Event Calendar (</get-involved/calendar>)

Report a violation (</about/enforcement/report>)

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# Planning Commission

## Overview

The Planning Commission is composed of 9 citizen volunteers appointed by the Board of County Commissioners to support the Department of Community Development and to make advisory recommendations on land use planning matters to the Board of County Commissioners as authorized in the Planning Enabling Act ([RCW 36.70.040](#)). The group does not review project-specific permits. Appointees represent their constituents and the general public from their district.

[For the upcoming meeting's agenda, click here](#)

-

## Meetings

- 5:30 p.m.
- Meets the 1st and 3rd Wednesday of each month
- Meetings are held virtually. The virtual address of the meeting is on the [Agenda](#) of the meeting itself.

All meetings and formal public hearings are noticed in the newspaper of record, [The Leader](#).

## Hearings

**04-21-2021: Regarding 2021 preliminary docket of Comprehensive Plan Amendment Proposals.** For the Agenda, participation instructions, and all documents being presented to the Planning Commission on this topic, please click [HERE](#).

**02-10-2021: Regarding the four proposed Comprehensive Plan and Unified Development Code Amendments on the 2020 Final Docket.** For the Public Notice regarding this hearing please click [HERE](#). For all documents being presented to the Planning Commission on this topic, please click [HERE](#).

## Approved 2022 Meeting Dates

On December 15, 2021 the Planning Commission approved the following meeting dates. Meetings may be added or canceled as needed and will be noticed at least 24 hours in advance. To receive notification of any calendar changes, please sign up to be noticed at: <https://www.co.jefferson.wa.us/list.aspx>.

### 2023

01/04/2023	04/05/2023	07/05/2023	10/04/2022
01/25/2023	04/19/2023	07/19/2023	10/18/2023
02/01/2023	05/03/2023	08/02/2023	11/01/2023
02/15/2023 CANCELLED	05/17/2023	08/16/2023	11/15/2023
03/01/2023	06/07/2023	09/06/2023	12/06/2023
03/15/2023	06/21/2023	09/20/2023	12/20/2023

## Agendas, Minutes & Audio Recordings

Agendas are available prior to the meetings. Minutes are available following approval.

View Most Recent [Agendas](#), [Minutes](#), and [Audio Recordings](#)

## Video Recordings

Video recordings of virtual meetings are available in the same folder as [Audio Recordings](#).

Older meetings usually did not have video recordings. While not common practice, video recordings are available for some meetings:

- August 14, 2017 - Joint meeting with BoCC regarding Pleasant Harbor Master Planned Resort.
  - Link to transcript of the meeting: [2017-08-14 13.58 BOCC 081417\\_Report.pdf](#). If you are asked for a username and password they are Login: public; Password: publ1c (the 'i' in public is replaced with the number 1). Additionally, the video recording can be found by clicking on this link: <ftp://ftp.jeffcowa.us/2017-08-14%20BOCC/2017-08-14%20BOCC%20Afternoon%20session/2017-08-14%2013.58%20BOCC%20081417/> (the username and password is the same as the transcript, if you are asked for it), right-clicking on the file named "2017-08-14\_13.58.24.920.wmv" and choosing "save target as." It might take a few minutes, but then a window will pop up asking you where you want to save the file and once it is downloaded another message will pop up letting you know it's ready to view.
- [March 5, 2014](#) - Joint workshop with City on Housing & Populations.
  - Presentations by: Jefferson Public Health and Habitat for Humanity
- [May 7, 2014](#) - Joint workshop with City on Agriculture and Economic Development.
  - Guest Speakers: David Engel, Peter Quinn, Judy Alexander, Robert Greenway, Al Latham, Dr. Laura Lewis

## Membership

The current composition of the Planning Commission is as follows, with expiration date of respective 4-year terms of service. A district map can be found [HERE](#).

### District 1

- Arlene Alen  
Term expires: March 17, 2024
- Kevin Coker  
Term expires: March 17, 2023
- Cynthia Koan  
Term expires: March 17, 2025

### District 3

- Richard Hull, Chair  
Term expires: March 17, 2025
- Chris Llewellyn  
Term expires: March 17, 2026
- Michael Nilssen  
Term expires: March 17, 2024

### District 2

- Matt Sircely, Vice Chair  
Term expires: March 17, 2025
- Lorna Smith  
Term expires: March 17, 2026

- LD Richert  
Term expires: March 17, 2023

## Calendar

Wed Mar. 1

**Planning Commission Meeting**

Wed Apr. 5

**Planning Commission Meeting**

Wed May 3

**Planning Commission Meeting**

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