NO. 100112-6

SUPREME COURT OF THE STATE OF WASHINGTON

PROTECT ZANGLE COVE; COALITION TO PROTECT PUGET SOUND HABITAT; and WILD FISH CONSERVANCY,

Petitioners,

v.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE; JOE STOHR; and PACIFIC NORTHWEST AQUACULTURE, LLC,

Respondents, and

TAYLOR SHELLFISH COMPANY, INC.,

Respondent-Intervenor.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE AND JOE STOHR'S ANSWER TO PETITION FOR REVIEW

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I. INTRODUCTION

This case involves the straightforward application of statutory language in RCW 77.115.010(2) which expressly states the Department of Fish and Wildlife's (DFW) authority over aquatic farmers and their aquatic products is limited only to aquatic disease rules and six listed statutes. None of the hydraulics project statutes in Chapter 77.55 RCW are among the six listed statutes. Because of this plain statutory language, the lower courts properly upheld WAC 220-660-040(2)(l), which rule exempts aquatic farmers from hydraulics project permits for their aquatic farming activities. This holding is also consistent with an Attorney General's opinion issued in 2007.

If Petitioners dislike the express statutory limit on DFW's aquaculture authority, they should pursue their concerns at the legislature, not the courts. The straightforward application of RCW 77.115.010 does not involve an issue of substantial public interest, and no aspect of the Court of Appeals decision triggers RAP 13.4(b)(1) or (4). Review should be denied.

II. RESTATEMENT OF THE ISSUES

A. Can the DFW require aquatic farmers to obtain hydraulic permits under RCW 77.55.021 to do work in state waters as part of cultivating aquatic products, when that hydraulic statute is not included in a short list of statutes that the legislature has said "constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers . . . ."? RCW 77.115.010(2).

B. If DFW lacks authority to require aquatic farmers to obtain hydraulic permits under RCW 77.55.021 to do work in state waters as part of cultivating aquatic products, does WAC 220-660-040(2)(l) violate the law when it states that no hydraulic permit is required for an aquatic farmer to install or maintain aquaculture facilities?

III. COUNTERSTATEMENT OF THE CASE

This case involves the statutory interpretation of a plainly written statute, RCW 77.115.010. Few facts are relevant to this legal determination, but Petitioners make numerous erroneous

factual assertions to inflate the public significance of this case. Those assertions require correction.

A. History of Aquaculture and the Hydraulic Code

Shellfish harvest and cultivation have long played an important role in the history of the Pacific Northwest, and these practices are addressed in the earliest laws of the Washington Territory. *See*, *e.g.*, Laws of 1854, at 388 (restricting nonresidents from harvesting shellfish, but allowing nonresident vessel owners to purchase county licenses and pay fees to harvest); Laws of 1854-55, at 35, section 3 (restricting shellfish harvest in Shoalwater Bay during certain months, but exempting individuals who harvest from oyster beds that they planted).

A document from the United States Army Corps of Engineers (Corps) offers broad acreage estimates of tidelands historically used for aquaculture. CP 1221-24.[1] It estimates that

[1] Many of the documents within the Clerk's Papers are documents Petitioners filed in the trial court to supplement DFW's Administrative Record. Because many of these documents come from outside sources, DFW is in no position to vouch for their accuracy.

the state contains about 216,045 "marine tideland acres," of which they assert that 71,926 acres may have been used for aquaculture in the past 100 years. CP 1222-23.[2] The Corps anticipates an additional 332 acres of previously un-farmed tideland acres may seek federal permits in the next five years to reach 72,300 acres. CP 1223-24 (table 4).[3] This represents an expected increase of one-half of one percent (0.0046). Of these 72,300 acres of tidelands, approximately 80 percent of those are in Grays Harbor and Willapa Bay. *Id*.

Another document from the U.S. Fish and Wildlife Service (USFWS) uses a much smaller set of estimates, suggesting there are 51,800 acres of fallowed or active aquaculture tidelands, and 1,401 acres of new tidelands expected

[2] This number includes an assumption that owners of all privately owned tidelands sold under the Bush or Callow Acts would seek to farm their lands. CP 1223. This assumption was not well supported in the Corps document.

[3] The Army Corps table utilizes rounding—the estimate of 332 acres of new acreages would push the "old acreage" number of 71,926 to 72,258, not 72,300.

to be commercially cultivated over the next 20 years, a 3.3 percent increase. CP 286.[4] The USFWS document lists Grays Harbor and Willapa Bay as containing approximately 75 percent of farmed tideland acres. *Id*. Petitioners improperly compare numbers between these different Corps and USFWS data sets to support their petition, which sleight-of-hand will be addressed further in the next section below.

The legislature enacted the first hydraulic code statute in 1943, at a time when the state Department of Fisheries was separate from the Department of Game. Fisheries was responsible for managing all food fish (mostly salmon and other anadromous fish), and Game managed all other wildlife, including game fish.[5] The new hydraulic project statute required

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[4] The table offers a total of 1,716 acres, but 315 of those acres are identified as recreational, restoration, or other noncommercial farming.

[5] The merged Department of Fish and Wildlife opened its doors in 1994 pursuant to Laws of 1993, Sp. Sess., ch. 2. After the merger, the legislature eventually recodified all Fishery and Game statutes under Title 77 RCW.

any person desiring to do construction impacting a river or stream to obtain written approval from both Fisheries and Game. Laws of 1943, ch. 40, § 1. Consistent with the language of the statute focusing on rivers and streams, the separate departments historically required hydraulic permits only in freshwaters and not marine waters. CP 1208. Only in the late 1970s did Fisheries begin requiring hydraulic permits for at least some marine projects, and even then, the department was apparently uncertain of its legal authority and reluctant to test the legal question. *Id.* In 1983 the legislature recodified and updated the entire chapter of Fisheries statutes, and in that process it amended the hydraulic statute to expressly require hydraulic permits for work in either freshwater or saltwater. Laws of 1983, 1st Ex. Sess., ch. 46, § 75. No evidence in the record suggests that hydraulic permits were regularly required for all shellfish aquaculture operations existing in state marine waters prior to the 1983 amendment.

Also in 1983, Fisheries and Game jointly adopted the first set of formal hydraulic rules that had been under development

since 1978. CP 1209. No portion of those rules expressly addressed application of hydraulic permits to aquaculture operations. *See* Former Chapter 220-110 WAC (1983) (Fisheries hydraulic code rules); Former WAC 232-14-010 (1983) (Game rule that adopts by reference the jointly promulgated hydraulic rules codified in the Fisheries title of the WAC).

B. Passage of the 1985 Aquatic Farming Act

The central statute at issue in this case, RCW 77.115.010, was enacted as part of a 1985 act under the short title, "Aquatic Farming." Laws of 1985, ch. 457 ("Aquatic Farming Act" or "Act"). The Act included twenty-eight sections; section eight was codified into what is now RCW 77.115.010.

Subsection one of RCW 77.115.010 orders the director of DFW and the director of Agriculture to jointly develop a program of disease inspection and control for aquatic farmers, which program is to address twelve listed elements. The second subsection orders DFW to adopt rules implementing the section,

only after obtaining approval from the director of Agriculture.[6] The language in subsection two then states, "The authorities granted the department by these rules and by RCW 77.12.047(1)(g), 77.60.060, 77.60.080, 77.65.210, 77.115.030, and 77.115.040 constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020." RCW 77.115.010(2).[7]

Another provision of the 1985 Act severely restricted the authority of Fisheries to adopt rules controlling aquaculture operations. This limitation still exists in DFW's current authority. *See* RCW 77.12.047(3). Subsection one authorizes DFW to conduct rulemaking in fifteen described areas, the last

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[6] Fisheries and Agriculture jointly adopted the new aquaculture disease rules in 1987. *See* Former Chapter 220-77 WAC (1989 edition). Those rules have carried forward into the current Chapter 220-370 WAC.

[7] The original language listed seven statutes, but one of those laws was repealed, so the current language lists the six remaining statutes. *See* Laws of 2018, ch. 179, § 6 (deleting the obsolete seventh statute).

of which is a catch-all "[o]ther rules necessary to carry out this title and the purposes and duties of the department." RCW 77.12.047(1)(o). Subsection three, the language added by the 1985 Act, states that the rulemaking authority statute "does not apply to private sector cultured aquatic products" except for just one of the fifteen rulemaking subsections regarding the filing of statistical and biological reports. RCW 77.12.047(3).

C. Legislative Request for Attorney General Opinion on Meaning of RCW 77.115.010.

In 2006, Representative Patricia Lantz asked the Office of the Attorney General for a formal opinion on whether geoduck aquaculture was subject to hydraulic project permits or local substantial development permits. CP 532-37. She stated she was considering potential legislation on the topic and thus desired an answer, if possible, before the 2007 legislative session. CP 532. The request specifically asked whether RCW 77.115.010(2) and 77.12.047(3) precluded DFW from regulating aquaculture under hydraulic permits. In her request letter, Representative Lantz advocated that the statutes be interpreted so as to allow the

DFW's hydraulic regulatory authority to apply to aquaculture operations. CP 533-36.

The Attorney General issued an opinion on January 4, 2007. AGO 2007 No. 1. AR 949-58. With respect to hydraulic authority, the Opinion concluded that DFW could not require aquaculture farmers to obtain hydraulic permits for geoduck aquaculture because the hydraulic statutes were not included in the specific list of statutes authorizing DFW regulation of aquatic farmers and their products in RCW 77.115.010(2). The legislature has amended RCW 77.115.010 since issuance of the 2007 AGO opinion, but the amendment did not add any hydraulics statutes to the list that DFW can apply to aquatic farmers. Laws of 2018, ch. 179, § 6.

D. Agency Rulemaking at Issue

DFW commenced rulemaking in 2011 to update its chapter of rules governing hydraulic permits, noting that the chapter had not been substantively updated since 1994. AR 1. The Fish and Wildlife Commission approved the new rules in

December 2014, with a delayed effective date of July 2015. AR 173-344. Whereas the hydraulic rules were previously silent as to their applicability to aquatic farmers or their products, the new 2015 rule at issue in this case states that hydraulic permits are not required for "[i]nstallation or maintenance of tideland and floating private sector commercial fish and shellfish culture facilities (RCW 77.12.047)." WAC 220-660-040(2)(l).

Petitioners filed the current action in April 2018, challenging DFW's authority to exempt aquaculture operations from hydraulic permits. Petitioners also named in the complaint a private tideland owner, Pacific Northwest Aquaculture, LLC, and requested the court to order the landowner to obtain a hydraulic permit from DFW for its geoduck aquaculture farm. The trial court dismissed Petitioners' case with a one-paragraph order based on the plain language of RCW 77.115.010. CP 1272. The Court of Appeals affirmed in a published opinion that is the subject of this Petition.

IV. REASONS WHY THE PETITION DOES NOT SATISFY THE STANDARDS IN RAP 13.4(b)

There is no need for this Court's review of the Court of Appeals opinion, which simply applied unambiguous statutory language to validate DFW's rule implementing the statute. Petitioners disagree with the policy expressed in that unambiguous statute, but their concerns should be addressed to the legislature, not this Court. Petitioners devote most of their petition to stating—and overstating—the alleged environmental harm caused by DFW's adherence to the statute. But that argument does not satisfy the requirements to obtain this Court's review. With respect to statutory construction, Petitioners strain to create a conflict with this Court's precedent. In reality, the Court of Appeals applied settled principles of statutory construction when enforcing the statute's plain meaning.

The plain language in RCW 77.115.010(2) states the aquaculture disease rules adopted by DFW, and six listed statutes, constitute the *only* authority of DFW over aquatic farmers and their products. Because the hydraulic code statutes

are not included within the six listed statutes, DFW cannot require aquatic farmers to obtain hydraulic permits for their aquaculture farming activity.

Petitioners, unhappy with this outcome, argue that great environmental harm will result from the alleged massive expansion of aquaculture, unless this Court either ignores or rewrites RCW 77.115.010(2) and holds that hydraulic code requirements apply to aquaculture. But their assertion of a forthcoming explosion of aquaculture is contradicted by the record, and all their policy arguments cannot overcome the plain language in RCW 77.115.010(2).

A. The Court of Appeals Applied Settled Principles of Statutory Construction to Determine that the Plain Language in RCW 77.115.010(2) Limits DFW's Authority over Aquatic Farmers.

State agencies, being creatures of statute, possess "only those powers expressly granted by statute or [that] are necessarily implied from the legislature's statutory delegation of authority." *Lenander v. Dep't of Retirement Sys.*, 186 Wn.2d 393, 404, 377 P.3d 199 (2016). While much case law

delves into questions of an agency's necessarily implied authority flowing out of an express statutory grant, this case involves the inverse where a statute directly and expressly *limits* the scope of DFW's authority. The fourth sentence in RCW 77.115.010(2) provides:

> The authorities granted the department by these rules and by RCW 77.12.047(1)(g), 77.60.060, 77.60.080, 77.65.210, 77.115.030, and 77.115.040 constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020.

The beginning language of this sentence may seem odd at first glance because it suggests that rules constitute a grant of authority to DFW. Rules are normally promulgated by agencies and do not serve as grants of authority to agencies. In context here, the legislature is referring to the disease inspection and control rules that DFW is directed to adopt in the first three sentences of subsection two. The legislature, having directed DFW to promulgate rules on disease control, then says in the fourth sentence of RCW 77.115.010(2) that those rules, in

addition to six other listed statutes, are the only authorities DFW can rely upon to regulate aquatic farmers and their products.

When the legislature dictates that DFW's disease program rules and just six other listed statutes constitute the "only authorities of the department to regulate" aquaculture farmers and their products, this leaves DFW no latitude to apply any other statutes to aquatic farmers as they farm aquaculture products. It is axiomatic that only means only. Because DFW's authority to regulate aquatic farmers and aquaculture products is limited to only disease program rules and six other listed statutes, the fourth sentence in RCW 77.115.010(2) prohibits DFW from applying any of the hydraulic statutes in Chapter 77.55 RCW to aquatic farmers and their products.

It is true, as argued by Petitioners, that the legislature separately defines "aquatic farmer" as the actor, "private sector cultured aquatic products" as the object, and "aquaculture" as a process. *See* RCW 15.85.020. It is also true that RCW 77.115.010(2) limits DFW's authority over aquatic

farmers and aquaculture products, without separately mentioning the process of "aquaculture." But the Legislature's omission of "aquaculture" as a process from RCW 77.115.010(2) does not thereby allow DFW to apply hydraulic authority to aquaculture operations. DFW cannot regulate an abstract "process" without an actor to apply for and receive the permit. The aquaculture "process" does not fill out and sign a hydraulic permit application. DFW does not issue a permit decision to an abstract "process." An abstract "process" is not held accountable for violating terms of a granted permit. Every aspect of DFW's hydraulic authority and hydraulic program applies to the person or entity doing the work that triggers hydraulic jurisdiction—the aquatic farmer in this case. *See* RCW 77.55.021(1) (any *person* desiring to undertake a hydraulic project shall "secure the approval of the department in the form of a permit"); RCW 77.55.021(9)(a) ("The *permittee* must demonstrate substantial progress on construction . . . .") (emphasis added). Because RCW 77.115.010(2) limits DFW authority over aquatic

farmers, DFW cannot require aquatic farmers to obtain hydraulic permits for their aquaculture operations.

Petitioners essentially ask this Court to rewrite RCW 77.115.010(2) by adding RCW 77.55.021 to the list of authorities DFW can apply to aquatic farmers. But a court "may not add words to an unambiguous statute when the legislature has chosen not to include that language." *State v. Dennis*, 191 Wn.2d 169, 173, 421 P.3d 944 (2018). "We recognize that the legislature intends to use the words it uses and intends *not* to use words it does not use." *State v. Nelson*, 195 Wn. App. 261, 266, 381 P.3d 84 (2016) (emphasis in original) (citing *State v. Larson*, 184 Wn.2d 843, 851-52, 365 P.3d 740 (2015)). Courts have disregarded unambiguous plain language in exceptionally rare cases to avoid absurd results that were contrary to clear legislative intent, but the court "may not invoke that canon just because we question the wisdom of the legislature's policy choice." *In Re Dependency of D.L.B.*, 186 Wn.2d 103, 119, 376 P.3d 1099 (2016) (citations omitted). The proper audience

for Petitioners' arguments is the legislature. *State v. Granath*, 190 Wn.2d 548, 556, 415 P.3d 1179 (2018) ("If the legislature disagrees with our plain language interpretation, then it may amend the statute.") (citation omitted).

B. Applying the Plain Language of RCW 77.115.010 Will Not Lead to Environmental Calamity and Does Not Constitute a Matter of Substantial Public Interest.

As stated in the restatement of facts above, aquaculture practices are acknowledged as far back as 1855 territorial laws. No evidence in the record suggests aquaculture practices were regulated by the hydraulic code prior to the 1983 legislative amendment that expanded the hydraulic code to marine waters. The 1985 Aquatic Farm Act thereafter precluded DFW from applying hydraulic code authority to aquatic farmers' operations.[8] Petitioners' policy argument that aquaculture

[8] A 1989 document by Washington Sea Grant suggests oyster farmers *may* need to obtain hydraulic permits for at least some aquaculture activities. CP 1219. That description fails to acknowledge the language in RCW 77.115.010.

Petitioners claim it was "common understanding" that aquatic farms required hydraulics permits, but the cited records do not fully support this claim. Petition at 11.

operations will destroy the environment absent regulation by the hydraulic code ignores this long-developed history. Their assertion that the public has a substantial interest in applying the hydraulic code to aquaculture is also contradicted by this history. Petitioners advance a policy argument in lieu of a legal argument, and their policy desire to expand DFW's hydraulic authority to aquaculture is best advanced to the legislature.

An Army Corps document estimates that 71,926 acres of tidelands could have been used for aquaculture within the past 100 years, and the document anticipates the future expansion of only an additional 332 acres over the next five years. CP 1223-24. A separate USFWS document estimates that 51,800 acres of tidelands are in current aquaculture or are fallow, and an additional 1,401 acres may be added to commercial cultivation over the next twenty years. CP 286. Ignoring the obvious fact that these two federal documents were working with different data sets, Petitioners juxtapose numbers *across* these separate documents to claim that around 50,000 acres of farmed tidelands

are going to balloon to 72,000 acres. Petition at 9. They then state that this represents one-third of the state's *shores*, falsely implying that one-third of our linear *shorelines* will be occupied by aquaculture operations. Petition at 4, 9, 12.

As stated above, the Corps predicts a minor aquaculture expansion of just 332 acres in five years, and the USFWS predicts a commercial expansion of 1,401 acres in twenty years. Neither prediction supports Petitioners implication that aquaculture will expand from 50,000 to 72,000 acres in the near future.

Petitioners also compare the Corps' prediction of 72,000 acres of aquaculture to the separate Corps' estimate that a total of 216,045 tidelands exist in the state. These acreage comparisons, however, have no correlation to what percentage of the state's *linear shoreline* are occupied by aquaculture. Of the 72,000 estimated acres of aquaculture operations in the State, about 80 percent are within Grays Harbor and Willapa Bay, large embayments with a history of shellfish cultivation back into the

1800s. CP 1223 (table 4). One can look at a map of our marine shorelines and immediately recognize that those two bays—containing 80 percent of aquaculture operations—constitute a miniscule percentage of the total linear shoreline of the coast, Strait of Juan de Fuca, and all of Puget Sound. No evidence in the record supports Petitioners' suggestion that one-third of state shorelines will be encumbered by aquaculture operations. To the contrary, 80 percent of cultivated tidelands exist in two large coastal bays within just two of the State's 39 counties, hardly the issue of statewide importance that Petitioners suggest.

In conclusion, there will not be a massive expansion of aquaculture farms cluttering the shorelines. Furthermore, even if such claims of significant aquaculture expansion were true, such claims still do not trigger the "substantial public interest" prong of RAP 13.4(b)(4). If future growth within the aquaculture industry poses new risks to the fishery resources managed by DFW, it is the legislature's role, not this Court's, to amend

RCW 77.115.010(2) and add the hydraulics code to the list of narrow authorities DFW can apply to aquatic farmers.[9]

C. RAP 13.4(b) Does Not List an "Issue of First Impression" as a Basis for Accepting Discretionary Review.

Petitioners argue that review should be granted because the interpretation of RCW 77.115.010 presents a novel issue of first impression. Pet. at 3-4 and n. 1 and 2 (providing laundry lists of Supreme Court cases that involved novel issues and statutory interpretation questions). But RAP 13.4(b) does not include "case of first impression" as a factor for accepting discretionary review. Petitioners' argument relies upon a logical fallacy: The fact that some discretionary review cases involved novel issues does not support their claim that the novel issue in *this case*

[9] Petitioners' arguments also imply that commercial aquaculture operations are not subject to any other permits or effective environmental regulations, which claims were refuted in pleadings filed below by Pacific Northwest Aquaculture and Taylor Shellfish.

warrants review.[10] Petitioners cite no case law holding the existence of a novel issue satisfies RAP 13.4(b) standards.

Here, the Court of Appeals' published opinion thoroughly reviewed RCW 77.115.010 and applied its plain language to reach the inescapable result of the statute: DFW lacks statutory authority over aquatic farmers except for a handful of listed statutes that do *not* include any hydraulics code statutes. The ruling below maintains the status quo of DFW's regulatory approach, leaves no pertinent matters "unsettled," *see* Petition at 10, heading C, and does not pose an issue of substantial public import.

D. Disputes Over Application of Statutory Construction Principles Do Not Constitute Conflicts Under RAP 13.4(b)(1).

Petitioners extensively discuss DFW's hydraulics authority statutes in Chapter 77.55 RCW, and they accurately

[10] DFW could make the same argument and list cases, such as *Echo Bay Community Ass'n v. Dep't of Natural Resources*, 139 Wn. App. 321, 160 P.3d 1083 (2007), which involved a first-impression review of RCW 79.135.110, yet this Court declined review, 163 Wn.2d 1016, 180 P.3d 1290 (2008).

point out that those statutes do not expressly contain an exemption for aquaculture farmers or their operations. Petitioners claim the Court of Appeals violated a "central tenet of statutory interpretation, which is to construe statutes so as to effectuate their purpose." Petition at 12. But this portion of their argument ignores RCW 77.115.010(2), where the legislature plainly restricted DFW's authority over aquatic farmers to just a few statutes out of the entire Title 77 RCW. The hydraulics statutes are not among the list. The Court of Appeals' holding directly honors the purpose of RCW 77.115.010. The legislature's intent to prohibit DFW from applying other provisions within Title 77 RCW to private sector aquaculture is clear and unequivocal.

The Court of Appeals did not misapply basic principles of statutory construction or mix up the different terms used by the legislation regarding "aquatic farmer," "aquatic product," and the general process of "aquaculture." DFW's authority over aquatic farmers and their products is restricted in

RCW 77.115.010(2). The legislature's decision to not separately call out "aquaculture" in that restriction on DFW's authority has no practical impact. An activity is not regulated in the abstract, it can only be regulated through the actors engaging in the activity. The legislature has not authorized DFW to regulate aquatic farmers under the hydraulic statutes. DFW cannot separately require hydraulic permits abstractly for the "process" of aquaculture without having authority over the farmers and their products. [11]

Petitioners fail to demonstrate how the Court of Appeals decision "is in conflict" with a decision of the Supreme Court. RAP 13.4(b)(1). Petitioners' disagreements with how the Court of Appeals applied the plain language of RCW 77.115.010 does not render the decision "in conflict" with any Supreme Court decisions discussing and applying guidelines of statutory interpretation in other contexts.

[11] *See* Section IV, A. at 15-16 above for further discussion on this point.

V. CONCLUSION

When construing statutes, courts "are tasked with discerning what the law is, not what it should be." *Frias v. Asset Foreclosure Servs., Inc.*, 181 Wn.2d 412, 421, 334 P.3d 529 (2014). The plain language of RCW 77.115.010(2) does not list any hydraulic statutes among the limited authorities DFW can apply to aquatic farmers and their products. The Court of Appeals decision maintains the status quo of DFW's practices, and honors the legislative intent as expressed through the words of the statute. The decision satisfies neither RAP 13.4(b)(1) or (b)(4) and review should be denied.

This document contains 4,250 words, excluding the parts of the document exempted from the word count by RAP 18.17.

RESPECTFULLY SUBMITTED this 20th day of September, 2021.

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CERTIFICATE OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

☒ Electronic Mail per Agreement

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 20th day of September, 2021 at Lacey, Washington.

s/Diane Stercks
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FISH, WILDLIFE, & PARKS SECTION - ATTORNEY GENERAL'S OFFICE

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Transmittal Information

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Comments:

Washington Department of Fish and Wildlife and Joe Stohr's Answer to Petition for Review

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