



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of Proposal: DNS 23-035: RULE MAKING FOR BLACK BEAR TIMBER
DAMAGE PERMITS

Description of Proposal:

WDFW proposes to replace a rule that was found to exceed the department's statutory authority with a new rule to provide a permitting process to issue permits to persons to lethally remove black bears to reduce damage to commercial timber. Peeling and consuming tree parts by black bears often results in permanent damage or death to the tree. This damage results in a financial loss to the tree owner. The proposed rule will identify how permits are applied for, applications are reviewed and issued or denied, conditioned, and administered. A black bear timber damage permit issued under the proposed rule would allow a person to remove one or more black bears as conditioned on the removal permit. The department currently issues black bear kill permits to address commercial timber damage under RCW 77.12.240.

This proposed rule does not apply to federal employees and agents while acting in their official capacities for the purpose of protecting private property.

Proponent/Applicant: Washington State Department of Fish and Wildlife (WDFW)
Contact: Jim Brown
PO Box 43141
Olympia, WA 98504
360-701-6261
Jim.Brown@dfw.wa.gov

Location of Proposal, including street, if any: This proposed rule would establish a permitting framework that would only apply on private commercial timber production lands. Those lands exist in various locations around the state.

Lead Agency: Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal will likely not have a significant adverse impact on the environment. Therefore, state law¹ does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us.

We issued this DNS according to state rules.² **We will not act on this proposal for 40 days** from the date we issued the DNS. Agencies, tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 40 days of the date

of this letter. The comment period will end at **11:59 pm on October 2, 2023.**

Method of Comment:

SEPA documents related to this proposal can be reviewed at the WDFW SEPA website at: <http://wdfw.wa.gov/licenses/environmental/sepa/open-comments>.

The following procedures shall govern the method to comment on agency SEPA proposals. Comments received through these procedures are part of the official SEPA record for this proposal. You can submit your comments through one of the following ways:

- Online at the Public Input comment portal for this proposal: <https://publicinput.com/TimberDamageRules>
- Email to: TimberDamageRules@PublicInput.com

Responsible Official: Lisa Wood

Position/Title: SEPA/NEPA Coordinator, WDFW Habitat Program, Protection Division

Address: P.O. Box 43200, Olympia, WA 98504-3200

After the comment period closes, applicants may view the updated status of this proposal on the WDFW SEPA website: <https://wdfw.wa.gov/licenses/environmental/sepa/closed-final>. Once the status is posted as final, applicants and permittees may take action on the proposal. When a proposal is modified or withdrawn, notice will be given in accordance with state law.¹

If you have questions about this DNS or the details of the proposal, or have difficulty with the Public Input comment portal, contact Lisa Wood at: SEPADesk2@dfw.wa.gov.

DATE OF ISSUE: August 23, 2023

SIGNATURE:



Footnotes

1. RCW 43.21C.030(2)(c)
2. WAC 197-11-340(2).

SEPA Log Number: 23-035.dns

Individuals who need to receive this information in an alternative format or language, or who need reasonable accommodations to participate in WDFW-sponsored public meetings or other activities may contact the Title VI/ADA Compliance Coordinator by phone at 360-902-2349, TTY (711), or email (Title6@dfw.wa.gov).