



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at http://apps.leg.wa.gov/wac/default.aspx?cite=82-05.

CONTACT INFORMATION (please type or print)

Petitioner's Name Brad Thomssen
Name of Organization
Mailing Address
City Edmonds State WA Zip Code 98020

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
Provide relevant examples.
Include suggested language for a rule, if possible.
Attach additional pages, if needed.
Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule:

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: Please See Attached

The rule is needed because: Please See Attached

The new rule would affect the following people or groups: Please See Attached

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

Sent via Email to: rules.coordinator@dfw.wa.gov on December 17th, 2023 8:50am

December 17th, 2023

Rules Coordinator
Washington Department of Fish and Wildlife
P.O. Box 43200
Olympia, WA 98504-3200

Washington Fish & Wildlife Commission
600 Capitol Way N.
Olympia, WA 98501

Cc:

Director Kelly Susewind
Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia, WA 98501

Ruth Musgrave
Senior Policy Advisor to Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Re: Petition: December 17th 2023 - begin Rule Making for a limited entry spring depredation / management black bear hunt based on the reliability of density and abundance estimates provided by WDFW Staff to the Commission on December 14-15, 2023.

Dear Commissioners and WDFW Rules Coordinator:

In accordance with RCW 34.05.330, please accept this petition asking the Washington Fish & Wildlife Commission (Commission) to begin rulemaking for a limited entry spring depredation / management black bear hunt based on the reliability of density and abundance estimates provided by WDFW Staff to the Commission on December 14-15, 2023.

The arbitrary and capricious rule changes the Commission enacted on Friday November 19, 2021, and Friday November 18, 2022, to end spring bear hunting in the State of Washington disregarded science and were contrary to the Commission's responsibilities to protect, preserve, and perpetuate bear population; minimize human-wildlife conflicts; and manage wildlife in the public trust.

The unscientific rule changes of November 19, 2021, and the unscientific vote by the Commission of Friday November 18, 2022, can be addressed by beginning rule making for a

limited entry spring depredation / management black bear hunt based on the reliability of density and abundance estimates provided by WDFW Staff on December 14-15, 2023.

Washington bear management has in recent history been dictated by politics over science.

On Friday December 15, 2023 the Commission voted to approve a Petition to address unscientific black bear general season rule changes during the years 2019-21.

The Commission has now publicly acknowledged their need to address historical unscientific black bear season rule changes.

Black bear science takeaways during the December 14-15, 2023 Commission Meetings, provided by WDFW Staff to the Commission;

The highest bear densities – from 31 to 35 bears/100km – are seen in Northeast Washington, the Blue Mountains and the western Olympic Peninsula. (former spring bear permit hunting zones)

The range of bears is strongly tied to forested areas heavily dependent on ungulates.

- Density estimates and estimated harvest rates show medium-high density and sustainable harvest rates in most areas
- Population growth rates in 2 areas of the Cascades show stable population
- Local population estimates are robust, we are working on a statewide estimate but should not be compared to previous estimates due to differing methods and reliability
- Density and abundance are not incorporated into current management framework, but likely to be in upcoming GMP
- Reverting to the 2018-2019 rules is unlikely to change harvest levels

(Washington State had a successful damage / management select entry spring bear hunting season during the years 2018-2019)

Beginning rulemaking for a limited entry spring depredation / management black bear hunt will address;

- to help protect fawn and calf survival rates in the spring
- maintain a sustainable black bear population in Washington State
- help protect public land timber from depredation and damage.
- address black bear predation on neonate ungulates in the spring
- increase public safety

The passage on December 15, 2023 of the Black Bear Timber Damage Depredation Permits CR-102, shows that the public, and the majority of the commissioners, understand the need for specific, identifiable, limited black bear harvest in the spring when associated with depredation and damage. When management objectives are clearly defined, in areas where black bear population numbers are strong and would support limited harvest to achieve management guidelines.

The public understands the need to have a balanced wildlife population that both ensures healthy black bear population numbers while at the same time ensuring acceptable deer and elk neonate survival rates in the spring, in specific regions of the state, where deer and elk populations are at risk.

The majority of the public, commissioners and staff, understand that with scientific data showing stable, if not in fact increasing black bear population numbers in a defined region, a limited entry, depredation / management spring bear hunt in specific GMU's, where bear populations are robust, where an identifiable need is present, black bear hunting is acceptable to the public in the spring.

Black Bear Timber Damage and Depredation happens only in the spring.

Black bear predation on neonate ungulates happens in the spring, during the birthing season, when fawn and calf survival is most at risk from black bear predation.

We have heard recently from WDFW Staff, (December 14-15, 2023) that in the Northeast Washington, the Blue Mountains and the western Olympic Peninsula (former spring bear hunting zones) that the highest densities are located.

Black bear populations do not suffer negatively from limited black bear harvest when associated with clearly identified management reasons.

We saw the Commission pass a petition on December 15, 2023 which will begin a process for WDFW Staff and Commission to undertake rulemaking to amend the Washington Administrative Code to reverse unscientific 2019-21 Black Bear General Season rule changes.

The WDFW Commission has now passed the Black Bear Timber Damage Depredation CR-102 on December 15, 2023.

The majority of commissioners and the public do understand the role of spring black bear hunting when the reasons are clearly defined, for a specific purpose that is not "recreational" in nature, and is for a purpose clearly and easily understood by the public.

There is a role for a depredation / management spring bear hunt.

The WDFW Staff and Commissioner will be working on black bear harvest issues over the next several months. Specifically addressing unscientific rule changes that occurred during the years 2019-21.

In the regions of this State identified in this Petition, (Northeast Washington, the Blue Mountains and the western Olympic Peninsula, all former spring bear permit hunting zones), where black bear population numbers are robust, where there are clearly identifiable depredation / management needs, a limited entry spring black bear season is justified.

The management goals which would be achieved by a limited entry spring depredation / management black bear hunt, with the reliability of the densities and abundance estimates provided by WDFW staff, show this is the time to undertake rulemaking to reverse the unscientific rule changes which resulted in the end of the Washington State Spring Bear Season.

- For more information regarding the unscientific rule change that occurred on Friday November 19, 2021, please refer the attached article: “Spring Bear Hunts Cancelled In Washington State” which details the process which led to the cancellation of the Spring Hunt as well and interviews and quotes from Commissioners who were present for the vote.
- Washington bear management has historically been dictated by politics over science.
- Saturday October 28th 2023
Commission Chair Barbara Baker states on the record,
“... um, we knew, we were told, that we had enough bears to have a bear hunt in the spring”...

Now is the time to begin rule making for a limited entry spring depredation / management hunt based on the reliability of density and abundance estimates provided by WDFW Staff and return to scientific, over politics, wildlife management in the State of Washington.

Thank-you

CONSERVATION / WILDLIFE MANAGEMENT

SPRING BEAR HUNTS CANCELLED IN WASHINGTON STATE

 Be the first to comment



TRAVIS HALL

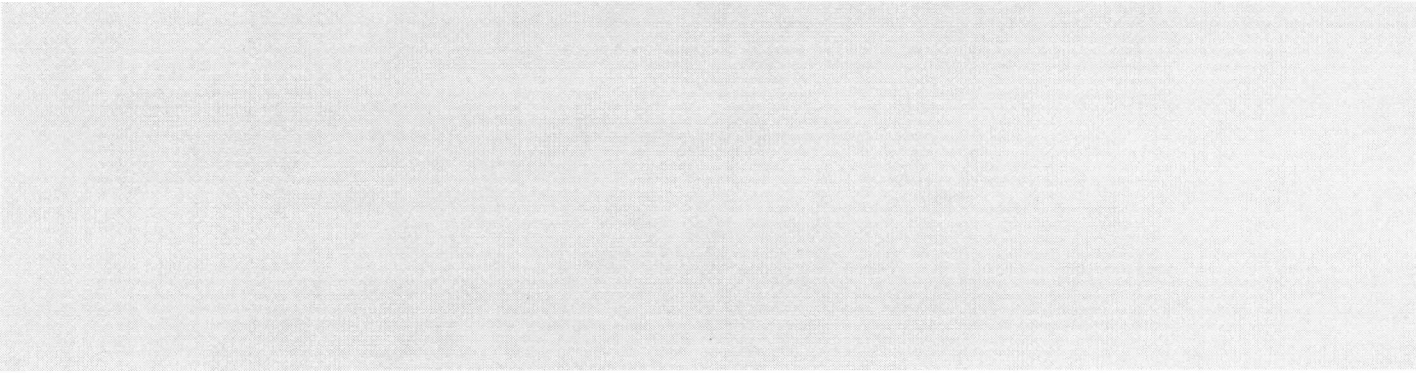
Nov 30, 2021

Bear hunting opportunities in the Pacific Northwest will be a little scarcer after Washington state's permit-only spring black bear hunt was suspended amid public outcry fueled by anti-hunting advocacy groups.

The suspension came about after the Washington Department of Fish and Wildlife's governor-appointed board of commissioners failed to reach a consensus in a routine rule-making vote that would have allowed the long-held season to continue.



SHOP RELATED GEAR



Opposition to the spring bear season began to crop up back in December of 2020 when two Washington residents hired an animal rights attorney and filed a lawsuit against the Washington Department of Fish and Wildlife (WDFW), alleging that the agency had failed to adequately notify the public about its approval of the spring season, which has been in place in one form or another since 1973.

Around the time of the lawsuit, Sharon Stroble, one of two individuals listed as plaintiffs—the other was her sister, Martha Hall—told *The Spokesman-Review* that the state's spring bear hunt was “cruel and completely unnecessary.”

“I’m confident that most Washingtonians would oppose it if they knew about it,” Stroble said. “We understand that the department has the authority to authorize a spring bear hunt, but it also has a legal obligation to give Washington citizens the opportunity to speak up and have their voices heard about this abhorrent practice.”

Though Stroble and Hall’s case was struck down in Thurston County Superior Court, public opposition to spring bear hunting in Washington state continued to gain momentum. Anti-hunting groups like the Humane Society of the United States seized the opportunity, delivering the localized issue to a national audience while advancing a narrative of spring bear hunting as cruel and inhumane.

These groups claim that spring bear seasons are “exceptionally cruel” because they allow



emergence from hibernation. They also espouse the flawed notion that big numbers of cubs will be “orphaned” as so many lactating sows are inevitably felled by indiscriminate hunters.

While emotionally compelling, these claims are not borne out in the harvest data that is routinely collected and analyzed by WDFW.

According to Stephanie Simek, the agency’s large carnivore section manager, studies show that bear hunting accounts for less than 2% of cub mortality in Washington state. Of the 45 sows killed during the 2020 spring harvest, only one was lactating.

Bear hunting guru and MeatEater crew member Clay Newcomb says that concerns about cubs being orphaned and left to die during spring bear hunts are overblown.

“Spring seasons are set up to protect females,” Newcomb said. “Early in the year when these seasons are taking place, boars are out of the dens much earlier, and the sows with cubs are the last ones to emerge.”

He said that even if a small percentage of cub mortality *can* be attributed to hunter harvest, it is quickly outweighed by the higher number of boars taken out of the population by hunters. Since boars are prone to infanticide, they often cause high rates of cub mortality within dense black bear populations. Thinning boar numbers tends to keep more cubs alive.

Logical fallacies aside, the opposition to Washington’s spring hunt remained an issue throughout 2021, spurred on by the easy access that hunting opponents now have to WDFW commissioners via COVID-era virtual hearings.

This opposition came to a crescendo on Friday, Nov. 19 when the commissioners voted



bear season.

According to WDFW Commissioner Kim Thornburn of Spokane, who is in favor of continuing the hunt, Washington's spring bear season is now closed until further notice because of a technicality.

"The vote for the season was four to four," Thornburn told MeatEater. "Because you have to have a majority to pass new regulations, we were left with the existing rules, which only apply to 2021. So that basically closes the season. We don't have a rule for 2022."

A House Divided

The four commissioners who opposed the spring hunt—Barbara Baker, Lorna Smith, Larry Carpenter, and Fred Koontz—offered up justifications for their respective opposition during the virtual Zoom hearing held on Nov. 19.

High on the list for some of the commissioners who spoke up was what they perceived as the Washington public's waning support for spring bear hunting.

"I believe that we can agree that spring bear hunting is and has been a controversial issue," said committee chair and Olympia resident Barbara Baker in a prepared statement that she read during the hearing. "I think that we can agree that most bear hunters would like to see the hunt continue, and I'm aware that some of them are concerned that this vote will signal whether this commission is becoming anti-hunting or not."

She went on to say that she does not believe that the state's long-standing spring hunt is rooted in sound science.

"Eliminating the spring bear hunt has become somewhat of a cause for many of the citizens in this state," she said. "Opponents of the spring hunt are essentially asking 'the



reasons that Washington gives as support for spring bear hunting are recreation, timber management and ungulate recruitment. That all makes sense to me, and it's intuitive. I believe that for many years that was good enough for many Washingtonians, but they have told us loudly and clearly that that is no longer the case. We haven't heard one word from the public to substantiate these objectives. We work for the people of this state, only 2.3% of which are hunters."

During the same meeting, Commissioner Fred Koontz, a retired zoologist who occupies the commission's "at-large" position and resides in King County echoed the sentiments of Chairwoman Baker, saying that the WDFD commission has an obligation to monitor the public's perception of hunting and to take that into account when setting policy.

"It's the role of the commission to keep an eye on what the values in the public are," he said. "I think that's what we've been doing for 100 years with hunting. I think that this is our job to weigh the values. This is really an issue about recreational hunting in the spring and how the general public feels about that, especially when you consider what the other non-recreational benefits are. If we're not here to help with that, then I don't know how we set policy in a fair way."

Another commissioner, Lorna Smith of Jefferson County, challenged the scientific methods used by WDFW to gather population data on bear populations, calling the agency's methodology "old-fashioned."

"We really need to be sure about our bear population at this point in time," Smith said in the Nov. 19 hearing. "We don't know exactly what the population is because the model, by our own admission, is not that reliable. I'm very concerned that our harvest rate right now, spring and fall combined, could be at a point that is not sustainable."

Smith's concerns about the sustainability of Washington's black bear populations run



Simek.

“When we look at the current view of the Washington population as a whole, we have a robust black bear population statewide,” Simek said in another Zoom hearing held in October. “If we thought there were going to be concerns that we were dipping or losing population numbers, we wouldn’t be offering these spring permits.”

Kim Thornburn thinks that the criticism being leveled by some of her fellow commissioners at WDFW’s biologists and scientists, and the methods they use to determine the population densities of Washington’s large carnivores, is unfair and inaccurate.

“They use standard monitoring obtained through hunter harvest data,” Thornburn told MeatEater. “We know we’ve got a healthy bear population. All we’re trying to do is make sure we’re not hunting in a way that could disrupt those populations. You can do that by looking at the number of bears taken, and then the gender and the age structure. That’s how it’s done all over the country with the carnivores, and we’re doing it just like everyone else.”

She also raised concerns about some of the recent appointments to the board.

“A number of commissioner’s terms ended in December of 2020,” she said. “There is still one seat that remains unoccupied, and some of the commissioners who are being appointed are pretty opposed to game management.”

Take Action

Hunters and conservation advocates opposed to this blatant injection of politics and public sentiment into Washington’s long-standing tradition of sound bear management can voice their opinions in several ways.



First is a Change.org petition that seeks to bring back the 2022 spring bear hunt. It has currently amassed more than 7,000 signatures. You can sign that petition here.

Readers can also contact the WDFW commission directly via email, at commission@dfw.wa.gov, or by phone at 360-902-2267.

There is also a formal petition form on WDFW's website for anyone seeking to repeal a state administrative rule. According to Commissioner Thorburn, all such petitions must be addressed by the committee.

"Our rules can be petitioned," she said. "I don't know if it could happen fast enough, but there's a whole process and we have to respond to a rule petition. I think it's a 60-day turnaround. That's a process that I haven't seen anybody consider yet."

SHOP



MEATEATER STORE
MeatEater Trivia Board Game
\$25.00

[SHOP NOW](#)



MEATEATER STORE
Land Access Fund Hat



MEATEATER STORE
American Buffalo: In Search of a Lost Icon
\$18.00

[SHOP NOW](#)



MEATEATER STORE
Round Up for Conservation Donation

