



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

11/18/2022

Agenda item:

Petition to initiate rule making on black bear timber damage depredation permits rule WAC 220-440-210.

Presenter(s):

Anis Aoude, Game Division Manager, Wildlife Program.

Background summary:

Rule WAC 220-440-210 that this petition references was invalidated by litigation in 2020 and this litigation is ongoing. Since that time the department has been issuing kill permits for boot hunting to address black bear timber damage under authorities that exist in RCW 77.12.240 and WACs 220-440-040 and 220-440-060. Prior to receiving this petition, the Department was already in the process of revising WAC 220-440-210 with the intent of initiating rule making that would take place during March and April of 2023.

Staff recommendation:

The staff recommendation is to initiate rulemaking since the department was already working towards rulemaking on this rule.

Policy issue(s) and expected outcome:

If the commission votes to initiate rulemaking, Washington Department of Fish and Wildlife (WDFW) staff would continue with the plan to bring this proposed rule in front of the commission for consideration during March and April of 2023. Alternatively, the commission could deny the petition on the basis that WDFW staff is already in the process of developing a proposed rule for commission consideration in 2023.

Fiscal impacts of agency implementation:

Fiscal impacts are likely to be minimal.

Public involvement process used and what you learned:

The public were given notice of this petition and encouraged to comment. There was no public involvement directly related to this petition prior to its submission. A public engagement process will occur if rule making occurs in the future.

Action requested and/or proposed next steps:

If the Commission approves the petition the department will move forward with rulemaking on this rule. If the Commission denies this petition the Department would like the commission to be clear if they would like rule making on WAC 220-440-210 to continue or be halted, since the department intended to do rule making before receiving this petition.

Draft motion language:

I move we approve this petition and direct the department to continue the rule making process related to WAC 220-440-210.

Post decision communications plan:

Communicate the outcome of the Commission's decision to the petitioner.
