



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

7/14/2023

Agenda item:

A petition that asks the commission to begin rule making for:
Spring Black Bear Hunts that would use Recreational Licensed Hunters and/or Licensed Master Hunters when needed to address certain management objectives, such as timber damage, achieving ungulate management objectives, or human-wildlife conflict issues.

And/or

Modify Rule Making for:

The language currently being written into the Black Bear Timber Damage Depredation Permits Rule Making CR-102 prior to the filing of same to include 'Black Bear Timber Damage Depredation Permits on Public Lands.'

And/or

begin Rule Making for:

the 2024 Recreational Spring Black Bear Hunting Season

And/or

begin Rule Making for:

the 2024 Public Lands Black Bear Timber Damage Program Hunting Season.

Presenter(s):

Stephanie Landry, Section Manager, Game Division, Wildlife Program.

Background summary:

This petition largely combines and recycles language from previous petitions seeking a recreational opportunity to hunt black bears in the spring that you have already denied from this petitioner. The petitioner also mentions in this petition rulemaking related the Black Bear Timber Damage rule. The department has already initiated rulemaking on a revised Black Bear Timber Damage rule, and staff are preparing a proposed rule and related SEPA documents. The petitioner uses many "and/or" statements and this makes it difficult for department staff to clearly understand the intended approach. Staff address below each of these asks separately to avoid confusion.

A petition that asks the commission to begin rule making for:

Spring Black Bear Hunts that would use Recreational Licensed Hunters and/or Licensed Master Hunters when needed to address certain management objectives, such as timber damage, achieving ungulate management objectives, or human-wildlife conflict issues.

The existing spring bear rule WAC 220-415-080 authorized the 2021 spring black bear hunting season and remains unchanged after the Commission did not authorize a 2022 season. Since that decision the Commission has informed Department staff and the public through a Commission motion on November 18, 2022, that it will

not adopt recreational hunting of black bear in the Spring. Commission discussion also indicated on the record that the commissioners would consider hunts that would use recreational licensed hunters when needed to address certain management objectives, such as timber damage, achieving ungulate management objectives, or human-wildlife conflict issues. Department staff currently do not have any new or different management-based needs than what has been presented in the past. Thus, Department staff are not prepared to recommend a management-based Spring black bear permit season. The Department may consider a management-based Spring black bear hunt in the future after developing specific thresholds on which to base these recommendations. This may require additional guidance from the commission related to those thresholds. For these reasons, department staff recommend denying this portion of the petition.

Modify Rule Making for:

The language currently being written into the Black Bear Timber Damage Depredation Permits Rule Making CR-102 prior to the filing of same to include 'Black Bear Timber Damage Depredation Permits on Public Lands.'

On November 18, 2022, the commission voted to approve a rulemaking petition submitted by this same petitioner and directed the department to continue the rule-making process related to WAC 220-440-210. The Bear Timber Damage rule is currently being developed and comments on the content of the rule can be provided to the department once the CR102 is filed. Since this rule is already in the works department staff recommend denying this portion of the petition.

begin Rule Making for:

the 2024 Recreational Spring Black Bear Hunting Season.

Department staff already addressed this as well. The Commission motion on November 18, 2022, informed Department staff and the public that the Commission will not adopt recreational hunting of black bear in the Spring. The commission has denied a similar petition from this petitioner. Thus, department staff recommend denying this portion of the petition based on commission policy direction and previous decision.

Begin Rule Making for:

the 2024 Public Lands Black Bear Timber Damage Program Hunting Season.

The Bear Timber Damage rule currently being developed is intended to address timber damage on private land only and does not establish a spring black bear season. This part of the petition is premised on concern for black bear timber damage on Public Lands. WDFW does not currently have specific information that necessitates a rule that would specifically target such a concern. Department staff do not currently see a need to establish a hunting season to protect trees from black bear damage on public lands. Accordingly, Department staff recommend denying this portion of the petition.

Staff recommendation:

Department staff recommend denying this petition in totality as it does not provide substantially new arguments for initiating rulemaking for a recreational spring black bear hunting season.

Policy issue(s) and expected outcome:

If this petition is denied, no rule making will take place to contemplate a spring black bear recreational hunting season until further notice. The ongoing rulemaking to revise WAC 220-440-210 will continue.

Fiscal impacts of agency implementation:

The fiscal impact of this decision is minimal and is not different from the status quo, based on commission direction.

Public involvement process used and what you learned:

The public were given notice of these petitions through the commission agenda and had an opportunity to submit written 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:

Dependent on Commission decision.

Draft motion language:

I move we deny this petition.

Post decision communications plan:

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