



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 Thomsen
Name of Organization _____
Mailing Address _____
City _____ State WA Zip Code _____
Telephone _____ Email _____

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/RClis.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: WDFW

☒ 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): _____

JUNE 5 2023
To Whom It May Concern:

Please find attached my "Petition For Adoption, Amendment, Or Repeal Of A State Administrative Rule"

I have checked the box, "1. New Rule – I am requesting the agency adopt a new rule."

As per the questions associated with the form:

The subject (of purpose) of this rule is:

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

- Based on the public comments gathered by Sponsored WDFW Facebook Post currently running regarding Spring Black Bear / Human Conflicts in Washington State.
- And/or based on Department of National Resources PDR 7297
- And/or, email response from DNR RE Public Disclosure sent to, addressed to, Brad Thomsen dated March 29, 2023 1:35 PM,
- And/or, Freedom Of Information Act Request FS-R6_FOIA / USDA FS-R6_FOIA,
- And or, email from USDA Regional FOIA Coordinator sent to, addressed to, Brad Thomsen dated May 2, 2023,
- And/or, based on WDFW PRR_22732
- And/or based on PRR_22732_Thomsen_Ack_Ext_10.03.23 email from WDFW Public Records sent to, addressed to, Brad Thomsen dated April 17, 2023 2:46 PM

Since the WDFW Commission vote to cancel the Washington State Recreational Spring Bear Hunting Season occurred: (November 18th 2022)

Since the WDFW Commission vote to initiate rulemaking for Black Bear Timber Depredation Permits: (November 18th 2022)

Several things have occurred:

The Department has protocols and procedures for deterring Black Bears from eating human garbage and bird food from back yard bird feeders which do not have any effect on the funding of our states public schools, which have no negative effect on our states public timber lands which are held in trust for all people of Washington State.

This Petition serves as an opportunity for the WDFW Commission to address the error of eliminating the Recreational Spring Bear Hunting Season without addressing the consequences.

As humans continue to encroach into black bear habitat, as sows continue to teach cubs the ease with which human garbage, bird feeders and dog food left out on porches in the suburbs can be obtained, bear populations will continue to grow exponentially.

Currently WDFW is running a paid advertisement on Facebook promoting a blog post and a video about how Washingtonians can protect themselves, protect their property, and protect wildlife by preventing bears from becoming habituated to non-natural food sources.

The post refers people to wdfw.wa.gov/blackbears and <https://wdfw.medium.com/keep-bears-wild-by-cleaning-up-backyard-attractants-43cc492b207b>

I encourage everyone to read the comment thread under the Sponsored Facebook Post.

People on both sides of the black bear hunting issue recognize and are commenting that problem black bears in the spring is a growing problem. Examples of WDFW having to kill problem black bears encroaching into human areas are given.

People are aware and commenting that the WDFW Biologists see the need for Spring Black Bear management, while the WDFW Commission holds the line on their ban Spring Black Bear Hunts.

It was studied years ago, and agreed to years ago, the Spring Black Bear Hunting Season was a hunt which was necessary to push black bears further out into the wild places, further away from Timber crops, further away from human populations, resulting in decreased Black Bear / Human Conflicts in the Spring.

The Spring Black Bear Hunting Season was less about killing large numbers of bears (because harvest success was a low percentage) and more about putting human pressure on bears to move them out of targeted areas which resulted in pushing Black Bears further out into the wild places away from human populations.

Whether it is now, or whether it is in the future, history teaches us bans on Black Bear Hunting do not last.

What has it been now?

Two Spring Black Bear Hunting Seasons have been cancelled by this current generation of Commissioners (Commissioners of the last 2 years)

Public comments on both sides of the Spring Black Bear Hunting issue are already seeing the increases in Spring Black Bear / Human Conflict as read in the comments thread of a Sponsored Post by WDFW on Facebook. (June 3, 2023 see attached screen capture)

It is masterful strategy by WDFW to gather public comments regarding increased Spring Black Bear / Human Conflict in Washington State.

Do not waste this opportunity to consider the public comments gathered by this Sponsored WDFW Facebook Post currently running regarding Spring Black Bear / Human Conflicts in Washington State.

Science and Data do not support the cancellation of Spring Black Bear Hunting in Washington State.

From the SAFARI CLUB INTERNATIONAL article titled:

“Haters Gonna Hate, but Hunters Gonna Hunt”

“State wildlife agencies work hard to reduce conflicts through education, garbage control, and relocating nuisance bears. But these agencies also rely on regulated hunting to help keep bear population growth in check.

Black bear populations can quickly expand, both in size and range, due to their biology. Female bears reach reproductive maturity at around four years old and can live and reproduce into their twenties. In a balanced population, female bears of reproductive age will give birth to a litter of two to three cubs every other year. Without intervention, bear populations can easily double in well under a decade.

Regulated hunting is the only viable tool for managing and controlling the size of a bear population. There is no feasible alternative.

The International Association for Bear Research and Management has stated it plainly: “Where the primary management objective is to slow population growth or limit population size or distribution, then increasing human-caused mortality is the only option.”

Hunting helps reduce human-bear conflicts by reducing the bear population and targeting conflict bears when possible.”

The DNR (Department of Natural Resources), in response to a Public Disclosure Request I sent them, instructed me to send a Public Records Request to WDFW.

DNR also provided to me the link necessary to submit this PRR to the WDFW.

[See attached documents]

March 13, 2023 I submitted a Public Disclosure Request to the DNR.

March 18, 2023 WDFW Fish and Wildlife Commission Presentation Summary Sheet states in part: "WDFW does not have specific information about black bear timber damage on Public Lands. Nor have state or federal public land managers identified a need for annual spring management hunts of black bear to address timber damage." Cont. "If state or federal public land managers were to identify a need for spring black bear hunts, the Department may consider a management-based Spring black bear hunting in the future after developing specific thresholds on which to base these recommendations."

March 29, 2023 the DNR responded to my Public Disclosure Request of March 13, 2023 (see attached)

Of note, DNR provided maps, and the written statement, "DNR does not have any reports or documents specifically about bear damage. We encourage you to reach out to the Department of Fish and Wildlife for more information and records here:

<https://wdfw.wa.gov/about/administration/public-records>

Based on instruction from the DNR in their Public Disclosure Request I submitted the Public Records Request to WDFW

I asked for the exact same information I asked for of the DNR. (the DNR sent me maps and the instruction to submit my questions to WDFW and provided to me the link for the WDFW Public Records Request form) I will replace "DNR" with "WDFW Staff / WDFW Commission"

- What does WDFW Staff / WDFW Commission track / keep records of / study / document regarding Spring Black Bear Timber Damage on Washington State Public Lands? (the where / when / how much / what types / how it is measured / the science used to determine Spring Black Bear Timber Damage)
- Does WDFW Staff / WDFW Commission have records of when / where / how much Spring Black Bear Timber Damage has occurred in the last two Spring Seasons in the Washington State since WDFW Commissioners cancelled the Spring Black Bear Hunts?
- Will WDFW Staff / WDFW Commission keep records this year of when / where / how much Spring Black Bear Timber Damage occurs in the 2023 Spring Seasons?
- Please provide what records WDFW Staff / WDFW Commission have records of when / where / how much Spring Black Bear Timber Damage has occurred in the last two Spring Seasons since WDFW Commissioners cancelled the Spring Black Bear Hunts.

Adding a new question that comes as a result of the DNR response to the above question:

- Does WDFW Staff / WDFW Commission use the same maps as does the DNR?
- More specifically does WDFW Staff / WDFW Commission use the exact same maps as were provided to me by DNR?
- Are there other maps WDFW Staff / WDFW Commission use to track forest health as the DNR?

- Does WDFW Staff / WDFW Commission have maps that show wildlife activity throughout the State of Washington and where can those maps be seen?

For decades WDFW has kept track of Black Bear Timber Damage on both Private Lands and Public Lands. (See "Black Bear of Washington" written by Richard J Poelker and Harry D Hartwell, published by the Washington State Game Department, published September 1973)

- Are there internal WDFW documents which instructed WDFW Staff to stop communicating with the Washington State Department of Natural Resources regarding Spring Black Bear Timber Damage on Public Lands since the cancellation of the Washington State Recreational Spring Black Bear Hunts?
- Are there internal WDFW documents which instructed WDFW Staff to stop communicating with the US Forest Service regarding Spring Black Bear Timber Damage on Public Lands since the cancellation of the Washington State Recreational Spring Black Bear Hunts?
- Are there internal WDFW documents which instructed WDFW Staff to stop communicating with the US Fish and Wildlife Service regarding Spring Black Bear Timber Damage on Public Lands since the cancellation of the Washington State Recreational Spring Black Bear Hunts?

Next,

- Requesting documents from / between WDFW and WA DNR, USFS, USFWS regarding Spring Black Bear Timber Damage on Public Lands during the time since the cancellation of the Washington State Recreational Spring Black Bear Hunts.

Documents Attached.

See attached email from WDFW Public Records Analyst | Public Records Unit staff member Jennifer Brown, JD., dated Monday April 17, 2023 Re: PRR_22732_Thomsen_Ack_10.03.23

As we read in part,

"Good afternoon, Brad Thomsen, As required by Washington's Public Records Act, RCW 42.56, this email is in response to your public records request received on April 10, 2023, and assigned **PRR No. 22732.**

Consistent with RCW 42.56.520, additional time is needed to search for records, review for sensitive information, and respond to this request. We anticipate our next response and estimate the installment of records no later than **October 3, 2023.**" (italics as per Jennifer Brown, JD)

As read in "RE:[External Email] Re: Freedom Of Information Act Request FS-R6_FOIA / USDA FS-R6_FOIA"; signed by Laura Hoover, Regional FOIA Coordinator Forest Service, Pacific Northwest Region USDA,

“... Overtime, the ground checks and specialist have collectively agreed that most of the damage observed is from bears. Spring season surveys are not done of bear damage and haven’t for over a decade.

From this website, you can create maps of the area of interest with all the damage observed by aerial surveys. You can also download the data for any year you are interested in.”

From the above referenced sources, we can see Spring Black Bear Timber Damage on Public Lands happens.

We read in an “RE: PDR 7297 DNR RE Public Disclosure email of March 29, 2023”

“... DNR does not have any reports or documents specifically about bear damage. We encourage you to reach out to the Department of Fish and Wildlife for more information and records here:”

Signed by Shane Martinez, Public Disclosure Office, Washington State Department of Natural Resources (DNR)

Black Bear Timber Damage Depredation Permits Rule Making CR-102

This Petition serves as a place holder while we await the:

- Filing of the Black Bear Timber Damage Depredation Permits Rule Making CR-102 on or before August 23, 2023
- Which would then go out for public comment soon after.
- WDFW Staff are scheduled to go before the WDFW Commission on or before the September 29-30 for a briefing and public hearing and then would return to the Commission for a decision on October 27-28.
- If the Commission were to adopt the rule proposal during the Oct 27-28 meeting, WDFW could potentially file a CR-103 Rule Making Order as soon as November.

At this point in time the WDFW Commission may actually have the authority, (who knows?) to recommend changes to the rule language without requiring a new CR-101 to address Public Land Black Bear Timber Damage.

In the event the Commission decides to avoid the term “Recreational Spring Black Bear Hunting Season” and instead decides to add a minor language adjustment to the current language being drafted for the current Black Bear Timber Damage Depredation Permits Rule Making CR-102 (include language to the effect public lands / private lands) the results will be much the same.

Or, the Commission could simply begin Rule Making for Public Lands Black Bear Timber Damage Depredation Permits.

Metrics for measuring damage will need to be identified and met, WDFW Authority for Black Bear Timber Damage Lethal Removal will need to be written and approved, and it addresses crop damage not just for rich private corporations but more importantly protect public timber which the Washington State Supreme Court has ruled as recently as last year is held in a public trust for the good of all Washington and public land timber harvests provide funding for our States Public Schools.

This Petition is being written and submitted in early June 2023.

We are all awaiting the next WDFW Public Records response on October 3, 2023 regarding PRR_22732_Thomsen_Ack_10.03.23

While there is still time before the Black Bear Timber Damage Depredation Permits Rule Making CR-102 public filing, before the Staff Presentation, before the open public comment period, there is time to address Spring Black Bear Timber Damage in a more complete manner.

As seen in this Petition, Spring Black Bear Timber Damage on Public Lands did not suddenly stop because a slim majority of Commissioners voted to end the Recreational Spring Black Bear Hunting Season.

Spring Black Bear-Human Conflict did not suddenly decrease because a slim majority of Commissioners voted to end the Recreational Spring Black Bear Hunting Season.

In 1999, the government of Ontario Canada banned spring black bear hunting because bear hunting was misunderstood and misrepresented.

But in 2021 the Ontario Canada spring black bear hunt was re-opened.

In 2021 New Jersey Governor Phil Murphy said there would be no black bear hunting, "period"

In 2022 New Jersey Governor Phil Murphy reinstated Black Bear Hunting as the data and science were clear to reinstate Black Bear Hunting.

During this current era marked by anti-science hysteria from preservationists and anti-hunting extremists, the science, the real data and science, shows that Spring Black Bear Hunting in Washington State will return.

With no hunting pressure on black bears in the spring in Washington State, black bear sows continue teaching cubs the where to, how to, what species of trees to, strip the cadmium layer off of and destroy timber crops.

With no hunting pressure on black bears in the spring in Washington State, black bear sows continuing bringing their cubs into human areas to feed on garbage, bird feeders, livestock, livestock food and pet food as well as pets. Resulting in Black Bear-Human Conflict.

It is not uncommon in Western Washington Department of Fish and Wildlife Officers and K-9s are called upon to relocate Black Bears from areas densely populated with humans

Black Bears eating human garbage is a behavior, is a learned behavior by black bears, passed down through the generations

The science of Black Bears stripping trees, eating cadmium, killing trees and the need for Recreational Spring Bear Hunting, (although back then public licensed hunters were referred to as 'Boot-Hunters') was studied by WDFW and other State, Federal, Tribal and Private Corporations year ago.

Timber stripping is a behavior, is a learned behavior by black bears, passed down through the generations.

We have laws that prohibit recklessly feeding garbage to black bears as it is known that a bear habituated to eating human garbage must be prohibited. And those bears who do not modify their behavior are relocated, and if that fails twice the bear is lethally removed.

(Yellow ear tags. Once a bear gets two yellow ear tags and returns and causes human bear conflict a third time they are lethally removed.)

So there are established protocols for dealing with problem bears.

We find ourselves asking why the WDFW Commission has created this carve out for Black Bears to Damage Public Lands Timber with no consequence.

We have to ask why the WDFW Commission has created this opportunity for black bears to teach each new generation of cubs how to, where to, what species of, timber on public lands may be stripped and killed as a sugary food source rather than move to other food sources.

The Department has protocols and procedures for deterring Black Bears from eating human garbage and bird food from back yard bird feeders which do not have any effect on the funding of our states public schools, which have no negative effect on our states public timber lands which are held in trust for all people of Washington State.

This Petition serves as an opportunity for the WDFW Commission to address the error of eliminating the Recreational Spring Bear Hunting Season without addressing the consequences.

The WDFW Commission brought this upon themselves by cancelling a long time well studied Hunting Season without first conducting a State Environmental Policy Act (SEPA) Review.

The State Environmental Policy Act (SEPA) process identifies and analyzes environmental impacts associated with governmental decisions. The SEPA review process helps agency decision-makers, applicants, and the public understand how the entire proposal will affect the environment.

This Petition offers four options to the Commission to address Spring Black Bear Timber Damage on Private Lands, Ungulate Management Objectives, as well as address Spring Human-Bear Conflict in Washington State.

The data and science are on the side of regulated Spring Black Bear Hunting in the State of Washington.

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

Thank-you

A handwritten signature in black ink, reading "Brad Namer". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

5:43



Washington Department of Fish & Wildlife



Sponsored ·

bear country. Black bears may be present nearly anywhere in our state, including suburban areas and greenbelts near towns and neighborhoods. Washingtonians have a responsibility to take simple precautions to help avoid conflicts that can put both people and wildlife at risk. In the video below and in our recent blog post, we discuss how Washingtonians can protect themselves, protect their property, and protect wildlife by preventing bears from becoming habituated to non-natural food sources. For more information, please visit wdfw.wa.gov/blackbears and <https://wdfw.medium.com/keep-bears-wild-by-cleaning-up-backyard-attractants-43cc492b207b>.



wdfw.wa.gov

Keep Bears Wild

[Learn more](#)

DNR RE Public Disclosure <publicdisclosure@dnr.wa.gov>

>

To: Brad Thomsen

Wed 3/29/2023 1:35 PM



Forest Health Aerial Survey 2...
44 KB



Forest Health Aerial Survey 2...
57 KB

Show all 2 attachments (101 KB)

Save all to OneDrive - [bradthomsen.com](#)

Download all

Good afternoon,

DNR has made a diligent and good faith effort to locate records that are responsive to this request. We have attached all responsive records to your request.

The 2021 Forest Health Aerial Survey data can also be found on the public domain here: <https://data-wadnr.opendata.arcgis.com/search?groupIds=b5229bc8c2394639882c031bec75118a>. Click on "Forest Health Aerial Survey 1980-2019".

Please note, the documents contain GIS mapping data. Some of these can be opened with the free version of ArcGIS. This will allow you to look at most types of individual GIS layers: <http://www.esri.com/software/arcgis/explorer-desktop>

DNR does not have any reports or documents specifically about bear damage. We encourage you to reach out to the Department of Fish and Wildlife for more information and records here: <https://wdfw.wa.gov/about/administration/public-records>

Thank you for allowing us to help you with your request. Should you have any questions, please let me know.

Liability Disclaimer:

The Washington State Department of Natural Resources (DNR) provides these geographic data "as is." DNR makes no guarantee or warranty concerning the accuracy of information contained in the geographic data. DNR further makes no warranties, either expressed or implied as to any other matter whatsoever, including, without limitation, the condition of the product, or its fitness for any particular purpose. The burden for determining fitness for use lies entirely with the user. Although these data have been processed successfully on computers of DNR, no warranty, expressed or implied, is made by DNR regarding the use of these data on any other system, nor does the fact of distribution constitute or imply any such warranty.

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Shane Martinez
Public Disclosure Office
Washington State Department of Natural Resources (DNR)

509-669-1104

4/9/23, 3:40 AM

RE: PDR 7297 - Brad Thomsen - Outlook

publicdisclosure@dnr.wa.gov

www.dnr.wa.gov/publicdisclosure

PRR_22732_Thomsen_Ack_Ext_10.03.23

Brown, Jennifer M (DFW) <Jennifer.Brown@dfw.wa.gov>

Mon 4/17/2023 2:46 PM

To: Brad Thomsen <brad@bradthomsen.com>

 1 attachments (3 MB)

WDFW - Request for Public Record - April 9 2023.pdf;

Good afternoon, Brad Thomsen,

As required by Washington's Public Records Act, RCW 42.56, this email is in response to your public records request received on April 10, 2023, and assigned **PRR No. 22732**.

You requested the following:

(1) What does WDFW Staff [and/or Fish and Wildlife Commission] track, keep records of, study, or document regarding Spring Black Bear Timber Damage on Washington State Public Lands? (the where/when/how much/what types/how it is measured/the science used to determine Spring Black Bear Timber Damage)

(2) Does WDFW Staff [and/or Fish and Wildlife Commission] have records of when, where, how much Spring Black Bear Timber Damage has occurred in the last two Spring Seasons in the Washington State since [FWC] Commissioners cancelled the Spring Black Bear Hunts?

(3) Will WDFW Staff [and/or Fish and Wildlife Commission] keep records this year of when, where, how much Spring Black Bear Timber Damage occurs in the 2023 Spring Seasons?

(4) Please provide what records WDFW Staff [and/or Fish and Wildlife Commission] have records of when, where, how much Spring Black Bear Timber Damage has occurred in the last two Spring Seasons since [FWC] cancelled the Spring Black Bear Hunts.

(5) Does WDFW Staff [and/or Fish and Wildlife Commission] use the same maps as does the [Department of Natural Resources]?

(a) More specifically does WDFW Staff [and/or Fish and Wildlife Commission] use the exact same maps as were provided to me by DNR?

(b) Are there other maps WDFW Staff [and/or Fish and Wildlife Commission] use to track forest health as the DNR?

(c) Does WDFW Staff [and/or Fish and Wildlife Commission] have maps that show wildlife activity throughout the State of Washington and

(d) where can those maps be seen?

(6) Requesting documents from/between WDFW and WA [Department of Natural Resources], [United States Forest Service], and [United States Fish and Wildlife Service] regarding Spring Black Bear Timber Damage on Public Lands during the time since the cancellation of the Washington State Recreational Spring Black Bear Hunts.

Consistent with RCW 42.56.520, additional time is needed to search for records, review for sensitive information, and respond to this request. We anticipate our next response and estimate an installment of records no later than **October 3, 2023**.

RCW 42.56.120 provides that agencies may charge fees to recover the cost of producing copies of records when fulfilling public records requests. The fee schedule is available on the WDFW Public Records [webpage](#).

You may contact me by email at jennifer.brown@dfw.wa.gov if you have questions concerning this public records request.

Respectfully,

Jennifer Brown, JD
Public Records Analyst | Public Records Unit
Washington Department of Fish and Wildlife
MS# 43146
PO Box 43200, Olympia, WA 98501
jennifer.brown@dfw.wa.gov | (564) 669-4827

From: Brad Thomsen <brad@bradthomsen.com>
Sent: Sunday, April 9, 2023 7:51 AM
To: PDR Response (DFW) <DFWPDR@dfw.wa.gov>
Subject: Request for Public Record

External Email

Hello,

Request for Public Records

See Attached

Thank-you

Brad Thomsen

Edmonds WA

425-890-4649



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

3/18/2023

Agenda item:

Three petitions that are similar and were filed by the same person. These petitions ask to:

1. (Dated Jan 27, 2023) Immediately begin Rule Making for the 2024 and future year(s) Spring Black Bear Management Hunts (to address Bear Timber Damage on Public Lands).
2. (Dated Jan 28, 2023) Immediately begin Rule Making for the 2023 Spring Black Bear Hunts for the protection Ungulate Neonates from Black Bear Predation, Spring Black Bear Timber Damage on Public Lands and the protection of Humans, Pets and Property from Black Bear Conflict.
3. (Dated Jan 29, 2023) Immediately begin Rule Making for the 2023 Spring Black Bear Hunting on Public Lands using the same science, metrics, benchmarks and thresholds used in the Spring Black Bear Timber Damage Program (aka Spring Black Bear Hunts on Private Land).

Presenter(s):

Anis Aoude, Game Division Manager, Wildlife Program.

Background summary:

These petitions are like a petition that was heard and voted upon January 27, 2023, except that these petitions more specifically seek a rule to establish a spring hunting opportunity that would also address black bear timber damage on Public Lands. The background information we used for that petition still applies here. 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. 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. WDFW does not have specific information about black bear timber damage on Public Lands. Nor have state or federal public land managers identified a need for annual spring management hunts of black bear to address timber damage. Thus, Department staff are not prepared to recommend a 2023 or 2024 management-based Spring black bear permit season, either generally or specifically for public land management. If state or federal public land managers were to identify a need for spring black bear hunts, the Department may consider a management-based Spring black bear hunting 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.

The new petitions assert that the department did not consider the “new information” the petitioner provided. It is important to state that Department staff did review and consider all the information that the petitioner provided and recommended denying the petition.

Staff recommendation:

Department staff recommend denying all three petitions. In our presentation, we will address the rationale for them separately but there will be overlap.

(Dated Jan 27, 2023) Immediately begin Rule Making for the 2024 and future year(s) Spring Black Bear Management Hunts.

WDFW staff cannot commit to initiating rulemaking for a 2024 Spring black bear permit season until we develop specific thresholds that trigger management-based Spring black bear hunting. These thresholds could be developed in time to consider 2024 spring black bear season, but we do not know that at this time.

(Dated Jan 28, 2023) Immediately begin Rule Making for the 2023 Spring Black Bear Hunts for the protection Ungulate Neonates from Black Bear Predation, Spring Black Bear Timber Damage on Public Lands and the protection of Humans, Pets and Property from Black Bear Conflict.

This petition is almost identical to the one that was denied on January 27, 2023. The only difference is the reference to specific management issues that include the protection Ungulate Neonates from Black Bear Predation, Spring Black Bear Timber Damage on Public Lands and the protection of Humans, Pets and Property from Black Bear Conflict.

WDFW staff cannot commit to initiating rulemaking for a 2023 Spring black bear permit season until they can develop specific thresholds that trigger management-based Spring black bear hunting that consider the protection Ungulate Neonates from Black Bear Predation, Spring Black Bear Timber Damage on Public Lands and the protection of Humans, Pets and Property from Black Bear Conflict. We cannot develop these thresholds in time for a 2023 season.

(Dated Jan 29, 2023) Immediately begin Rule Making for the 2023 Spring Black Bear Hunting on Public Lands using the same science, metrics, benchmarks and thresholds used in the Spring Black Bear Timber Damage Program (aka Spring Black Bear Hunts on Private Land).

There are currently no benchmarks for a permit spring black bear season on private land. The petitioner is likely referring to the black bear timber damage program that the Department administers. This program issues permits to individual landowners based on existing fresh timber damage that is confirmed by our staff. This approach relies on damage occurring prior to issuing the limited permits and is reactive. The same criteria cannot be used in seasons setting approach prior to knowing if damage exists. There is no guarantee that a place that has damage one year will have damage the next.

Insofar as each of these petitions are premised on concern for black bear timber damage on Public Lands, WDFW does not currently have specific information in order to develop a rule that would specifically target such a concern.

Policy issue(s) and expected outcome:

If these petitions are denied, DFW would not initiate rule making for a 2023 or 2024 spring black bear recreational hunting season.

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 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:

Dependent on Commission decision.

Draft motion language:

I move we deny these three petitions.

Or they can be voted on separately.

Post decision communications plan:

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

RE: [External Email]Re: Freedom Of Information Act Request

FS-R6_FOIA <SM.FS.R6FOIA@usda.gov>

Tue 5/2/2023 2:52 PM

To: Brad Thomsen <[redacted]>

Good afternoon Brad,

Thank you for interest in the U.S. Forest Service. I appreciate your patience.

After reviewing your questions with the subject matter experts, we find that all the information you are interested in can be found here: <https://www.fs.usda.gov/detail/r6/forest-grasslandhealth/insects-diseases/?cid=stelprdb5286951>.

Forest Health Protection does an annual insect and disease aerial survey and during that summer survey, they document what is labeled as bear damage. The damage is typically on smaller diameter timber and is not always just bears girdling the trees and can be caused by root diseases, bad planting sites, or j-roots when planted along with other possible damage causal agents. Overtime, the ground checks and specialist have collectively agreed that most of the damage observed is from bears. Spring season surveys are not done of bear damage and haven't for over a decade.

From this website, you can create maps of the area of interest with all the damage observed by aerial surveys. You can also download the data for any year you are interested in.

I hope this was helpful. Please let me know if you have any additional questions.

Thank you,

Laura Hoover

Regional FOIA Coordinator

Forest Service

Pacific Northwest Region

Resource Planning & Monitoring

1220 3rd Avenue, RPM - Suite 1600
Portland, OR 97204**From:** Brad Thomsen <[redacted]>**Sent:** Saturday, April 29, 2023 7:15 AM**To:** FS-R6_FOIA <SM.FS.R6FOIA@usda.gov>**Subject:** [External Email]Re: Freedom Of Information Act Request**[External Email]**

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