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Monday December 16, 2024

Rules Coordinator
Washington Department of Fish and Wildlife
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Washington Fish & Wildlife Commission
600 Capitol Way N.
Olympia, WA 98501

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

WDFW Rules Coordinator, Commissioners and Director Susewind:

In accordance with RCW 34.05.330, please accept this petition asking the Washington State Department of Fish & Wildlife to begin rulemaking for the Washington State Spring Black Bear Hunting Season

1. Commission approves Bear and Cougar General Season Hunting Frameworks for public comment.
2. WDFW Staff provided science and data to the Commission regarding Black Bear Populations across the state.
3. New hunting General Season frameworks have been identified for Black Bear and Cougar Hunting
4. Recommended Black Bear Season Setting by BBMU
5. Commissioners were observed discussing and agreeing on Black Bear Management. Showing the ability to compromise and go along with Department Staff Recommendations regarding Black Bear Management. This is something the Commission was not able to do, follow staff recommendations in the past, which led to the cancellation of the Spring Black Bear Hunting Season.
6. The Commission agreed on barring the shooting of sows with cubs in this new Black Bear Hunting Framework, yet the Commission could not and would not compromise or agree regarding barring the shooting of sows with cubs during the Spring Black Bear Season cancellation process.
7. Rather than delegate final cougar and bear rulemaking approval to WDFW Director Kelly Susewind as with other game animals such as deer, elk and moose, the Commission retained it on a 5-4 vote along the usual lines of close votes, with Chair Barbara Baker, Vice Chair Tim Ragen and Commissioners Myers, Rowland and Smith against delegation and Commissioners Anderson, John Lehmkuhl, Molly Linville and Steven Parker in favor.
8. November 15, 2024 article
Spring Awakening: Bears emerge to forage intensely – “lethargy” is a myth
Some on this Commission had claimed the spring season had to be cancelled due to bears are lethargic in the spring. This myth has now been debunked.
9. The William D. Ruckelshaus Center report to the Legislature.
According to the draft report, the Washington State Fish and Wildlife Commission is hampered by polarization, dysfunction and conflict.

As written by WDFW Department Staff;

“Despite a robust bear population, Department staff currently do not have new management-based needs beyond what has been presented to the Commission in the past.”

“Department staff currently do not have new management-based needs beyond what has been presented to the Commission in the past to justify a new spring black bear hunting season, despite a robust bear population.”

Nowhere in the RCW’s or WAC’s does it state spring bear hunting seasons shall only exist in cases of ‘management-based needs’

RCW 77.04.012

Mandate of department and commission.

<https://apps.leg.wa.gov/RCW/default.aspx?cite=77.04.012>

The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.

Document / Washington Department of Fish and Wildlife / Rulemaking Petition Summary Sheet / dated 11/27/2024 / Presenter(s): Stephanie Landry, Carnivore Section Manager, Game Division

“Black bears come into conflict with people are generally occupying areas where firearm restrictions exist. Therefore, using hunters would have limited utility. An additional spring season is not likely to be any more effective in targeting conflict bears than the existing fall general season.”

No data, science or numbers were supplied to support the above statement expressed by department staff.

This petition is being submitted to address the lack of source material to substantiate these claims by department staff which were in turn relied upon by the Director to deny prior Spring Bear Hunting Petition(s)

{see attached Staff Summary documents and Director Denial letters}

This petition serves to give notice to department staff that unsubstantiated claims, when being used in a Staff Summary document which in turn is used by the Director to make decisions, *in the opinion of this writer*, does not rise to the standard of ‘creating a robust record that would defend making a decision’

Washington Fish and Wildlife Commission

June 21, 2024

00:40:10 – 00:50:02

<https://twv.org/video/washington-fish-and-wildlife-commission-2024061065/?eventID=2024061065>

AAG Joe Panesko speaking

“... if they are delegated to the director staff would work with the director to build a more robust record which is what happened with the last set of petitions there is a more robust record created in front of the director before the director made the decision on those petitions so that’s what the process looks like when they’re delegated. If the commission decides that it doesn’t want in the future to delegate to use then it would be back to what the former process has been of staff providing a recommendation on each one of these and reporting out to help create the record to defend your decision on each petition if you were to vote on them yourselves.”

The statements by Department Staff do not rise to the level of being “**facts**” in the opinion of this writer.

- 1. “Black bears come into conflict with people are generally occupying areas where firearm restrictions exist. Therefore, using hunters would have limited utility. An additional spring season is not likely to be any more effective in targeting conflict bears than the existing fall general season.”*

WDFW does not provide data regarding Black Bear Conflict on the WDFW Predatory Wildlife Incidents Webpage.

<https://wdfw.wa.gov/species-habitats/living/dangerous-wildlife/reports>

This petition serves as a place for Department Staff to justify their position.

On December 14, 2024 a public records request was submitted to WDFW for Department Staff to provide a 12 month history of all known incidents of Black Bear Conflict in Washington State with locations of each case of Black Bear Conflict, including corresponding commentary regarding if each location is within the boundaries of a firearms restriction area or not.

Additionally, separate month by month public records requests for all incidents regarding black bear(s), State Wide, for the months December 2023 – December 2024 that resulted in lethal removal or the euthanizing of the offending black bear(s).

This petition serves as a place for department staff to provide source material:

Requesting department staff to provide data showing

“hunters in firearms restriction areas have limited utility.”

Requesting department staff to provide the source of their claim.

This petition serves as a place for department staff to provide source material:

“An additional spring season is not likely to be any more effective in targeting conflict bears than the existing fall general season.”

Requesting department staff to provide the source material, studies, science, etc., to support this claim.

State of Washington Document / November 25, 2024 / Signed by Kelly Susewind, Director. The letter reads in part;

“On April 19, 2024 the Fish & Wildlife Commission met and delegated decision making authority for the petition to me as the director. A written summary sheet was provided to me, and department staff explained why they recommended that the petition be denied. I agree with the recommendations contained in the summary sheet, and I am hereby denying the petition. A copy of the summary sheet is included with this letter.”

Unsubstantiated claims, with no source material provided for those claims, when being used in a Staff Summary document, which in turn is used by the Director to make decisions, ***in the opinion of this writer***, does not rise to the standard of ‘creating a robust record that would defend making a decision’

WDFW is well aware of the success in using qualified bow hunters in firearms restriction areas when bow hunters (Master Hunters with the Master Hunter Shooting Proficiency Certification) are used for ungulate conflict removals in firearms restricted areas.

WDFW is well aware of the use of Hunters in firearms restriction areas in cases of conflict removals. (other species than black bear currently)

WDFW is well aware of the Master Hunter Shooting Proficiency Certification for Archery Shooters requirements of Master Hunters who would be considered for use in cases of conflict ungulate removals in firearms restriction areas.

WDFW is well aware of the Master Hunter Shooting Proficiency requirements qualification for Master Hunter Archery Shooters.

Where is the science from department staff to support their claim of;

'a spring bear hunting season is not likely to be any more effective in targeting conflict bears than the existing fall general seasons.'

I am an old man.

I have lived among many generations of bear hunters in Washington State.

Many of the old time WDFW staff have aged out of the department. Now the department is mostly made up of people who have worked there less than 20 years.

There was a time bow hunters were commonly contacted in cases of conflict bear removals in areas that were firearms restricted and often those times were in the spring.

Evidence of bear hunter success in firearm restriction areas and non firearms restricted areas all around Washington State can be found in the following two books:

The Pope and Young Book and Washington State Big Game Records Book

Both books include the names of bow hunters and the sizes of the black bears and locations of black bears that were successfully harvested by bow hunters using archery equipment over many decades in this state. In both the Spring and in the Fall.

Yes, hunters have evidence of utility and documented success in bear conflict removals as well as general hunting seasons.

Attempting to justify not having a spring bear hunting season due to black bear conflict with people generally being in the spring and generally being in firearms restrictions areas are not valid excuses to continue to deny the return of the Washington State Spring Black Bear Hunting Season.

This petition serves to request department staff provide a historical 12 month summary of locations of all reported cases of Black Bear Conflict in Washington

State with accompanying data for each location documenting if the location is in a firearms restriction area or not in order to support their claims.

This petition requests the Department request the State Legislature to include Black Bear Conflict into the WDFW Predatory Wildlife Incidents reporting.

Seeing WDFW working with the Legislature to add Black Bear into RCW 77.12.885 would go a long way toward supporting their position on this point.

<https://app.leg.wa.gov/RCW/default.aspx?cite=77.12.885>

RCW 77.12.885

Reported predatory wildlife interactions – Website posting

Currently there is no public facing website page and reporting protocol in place regarding Black Bear Conflict.

A public records request was submitted on December 14, 2024 regarding all cases of black bear conflict in Washington State for the last 12 months and the accompanying documentation regarding each location as being inside or outside of firearms restricted areas for each incident of black bear conflict.

Department Staff further went on to say;

'... hunting is not the most recommend tool for human-bear conflict situations'

This petition serves to allow department staff to provide documentation to support their claim hunting is not the most recommended tool for human-bear conflict situations.

Simply saying a thing does not make it so. Where is the data, where are the peer reviewed studies, where is the best available science to support this claim by department staff. This claim is being used to deny the return of the Washington State Spring Bear Hunting Season.

From the WDFW's own website,

“WDFW response to dangerous wildlife complaints”

“WDFW policy directs agency employees to respond”

<https://wdfw.wa.gov/species-habitats/living/dangerous-wildlife/response>

There are 3 identified “Situations”

Each situation involves response by a WDFW Enforcement Officer. Each situation included “Euthanize the offending animal’ Two of the three options do include an “or” option of “Immobilize, mark, and relocate the offending animal one time only.” (See attached print out from the webpage)

It’s not about, as previously stated by department staff, that hunters would have limited utility in cases of Black Bear Conflict, rather it is a WDFW ‘*Policy*’ that WDFW Enforcement Program is responsible for responding and assisting the public regarding solutions to complaints about “**dangerous wildlife**”.

The *policy* directs agency employees to respond. (See attached print out from the webpage)

<https://wdfw.wa.gov/species-habitats/living/dangerous-wildlife/response>

WDFW is holding on to their authority to be the sole entity to respond to Cougar and Bear complaints by use of a ‘*policy*’ Not an RCW, Not a WAC. Rather, a ‘*policy*’

“ *WDFW policy directs agency employees to respond*”

This petition serves to allow department staff to provide the documentation, data and science and processes that led to this ‘*policy*’.

Who were the decision makers, what year was the policy implemented, has the policy been reviewed or is there a policy in place to review the relevance of this policy in light of the continued cancellation of the Washington State Spring Bear Hunting Season?

The WDFW Commission took bear hunters off the landscape in the spring. Thus removing the availability of bear hunters in the spring for cases of black bear management based needs and/or black bear conflict removals.

A public records request was submitted on December 14, 2024 requesting information regarding what if any training and qualifications using archery equipment are required of WDFW Enforcement Officers and WDFW Conflict Specialists.

WDFW has an established protocol, a long standing in place Master Hunter Shooting Proficiency Certification test established for Master Hunters to qualify as an Archery Shooter.

WDFW has an established policy in place and a history of using Master Hunters in cases of conflict ungulate removals in firearms restricted areas using archery equipment.

Hunters should be more appropriate to send out to deal with conflict removals than enforcement officers or conflict specialists.

Master Hunters with a Master Hunter Archery Shooting Proficiency Certification should be more appropriate to send out to deal with wildlife conflict in firearms restricted areas than to send out enforcement officers or department conflict specialists.

Department staff statements without accompanying data or science to support their claims lack credibility.

Currently Washington State is surrounded by 4 different Governments who all have Spring Black Bear Hunting Seasons.

1. Oregon
2. Idaho
3. Vancouver British Columbia
4. Quinault Indian Nation, WA. (The QIN is a sovereign nation with inherent right to govern itself and deal with other tribes and governments on a government-to-government basis).

Oct 28, 2023

WDFW Commission Chair Barbara Baker: 3:26:30

“...um, we knew, we were told, that we had enough bears to have a bear hunt in the spring”...

<https://tvw.org/video/washington-fish-and-wildlife-commission-2023101006/?eventID=2023101006>

Begin rule-making for the Washington State Spring Bear Hunting Season.

Thank-you



Also in this section

WDFW response to dangerous wildlife complaints

Species & Habitats

[Species in Washington \(/species-habitats/species\)](#)

[Ecosystems in Washington \(/species-habitats/ecosystems\)](#)

[Biodiversity in Washington \(/species-habitats/biodiversity\)](#)

[Living with wildlife \(/species-habitats/living\)](#)

[At-risk species \(/species-habitats/at-risk\)](#)

[Habitat recovery and protection \(/species-habitats/habitat-recovery\)](#)

[Aquatic invasive species \(/species-habitats/invasive\)](#)

[Wildlife diseases \(/species-habitats/diseases\)](#)

[Amphibians and reptiles of Washington \(/species-habitats/amphibians-reptiles\)](#)

[Marine toxic contaminants \(/species-habitats/science/marine-toxics\)](#)

Some conflicts with dangerous wildlife species are inevitable as humans continue to expand into habitat traditionally occupied by black bear and cougar. When those conflicts occur, people often call WDFW offices for assistance.

The WDFW Enforcement Program is responsible for responding and assisting the public regarding solutions to complaints about dangerous wildlife. WDFW policy directs agency employees to respond within specific timeframes and with certain responses depending on the urgency of the incident.

These responses are summarized below.

Situation 1: Cougar or black bear depredation on livestock resulting in the loss of animal

Response: WDFW enforcement officer response within 24 hours, with the authority to:

- Euthanize the offending animal, or
- Immobilize, mark, and relocate offending animal one time only.

Situation 2: Cougar or black bear exhibit behavior that constitutes an 'urgent human safety concern'

Response: Immediate response by WDFW enforcement officer with the authority to:

- Euthanize the offending animal, or
- Immobilize, mark, and relocate the offending animal one time only.

Situation 3: Cougar or black bear attack on a human

Response: Immediate response by WDFW enforcement officer.

- Euthanize offending animal.
- Submit tissue samples to State Health Department for rabies test.

Although attacks on humans are rare, WDFW is prepared to respond based on established protocols.



Spring Awakening: Bears emerge to forage intensely – “lethargy” is a myth

November 15, 2024 / in Press / by Michael Stadnisky

Spring brings the first breath of warmth into the woods and the promise of a great reawakening for wildlife. As winter's cold grip loosens and the snow begins to melt, the first to stir in the secluded dens of the forest are the mature male black bears or boars (Washington Department of Fish and Wildlife. 2022 [https://wdfw.wa.gov/sites/default/files/2022-03/Commission%20Question%20Answers_Feb23_2022.pdf]). To humans, bear hibernation has the connotation of sleep, sleepiness, and lethargy. This anthropomorphic interpretation is being used as a rationale for the proposed removal and banning of bear hunting in the Spring. So it deserves exploring more – are spring bears truly lethargic?

As a point of clarification, the cartoonish anthropomorphizing of hibernation has no basis in fact or science. Black bears *fast* during hibernation. They accumulate a large mass reserve before the winter and fast while denning during the winter, which minimizes activity, mass and energy loss, and protein catabolism (Robbins, 2012 [<https://doi.org/10.1644/11-MAMM-A-406.1>]). Their metabolic rate is cut nearly in half and their heart rate slows to as low as eight beats per minute (Rogers 1987 [https://www.bearstudy.org/images/stories/Publications/Portrait_of_a_Black_Bear.pdf]).

Hibernation is truly incredible as fat stores are metabolized to provide energy and maintain body temperature, while muscle and other tissues are largely preserved. This adaptation helps ensure that, despite not eating or drinking for months, bears lose minimal muscle mass (Bowersock 2021 [<https://doi.org/10.1002/ecs2.3773>]). In fact, and perhaps more surprising, is that hibernating black bears are always alert to danger and ready to act



Black bears emerge to forage intensely

After months of hibernation, the bears emerge cautiously into the spring daylight. Their first priority is simple but vital: replenishing their energy reserves. Black bears lose 16-37% of their body weight during hibernation (DelGuidice, 1991 [<https://pubmed.ncbi.nlm.nih.gov/1758029/>]), and bears will spend their initial days foraging (Robbins, 2012 [<https://doi.org/10.1644/11-MAMM-A-406.1>]). This weight loss is entirely fat rather than muscle, and upon emergence, black bears travel to and focus on high-quality forage in the spring to better maintain body mass after emerging from hibernation while opportunistically preying on available animals like elk calves encountered while foraging for plants. (Bowersock 2021 [<https://doi.org/10.1002/ecs2.3773>]).

Their metabolic switch is flicked back "on" upon emergence from their dens, and it's important to emphasize the intensity of their spring travel and behavior. Their immediate priority is to replenish the fat mass they have lost. Foraging behavior is intense, as they focus on consuming large amounts of available food sources, scouring the landscape for whatever food is available including early spring plants, leftover berries, and carrion. This is a critical period where their feeding intensity is high to rebuild energy reserves for the active months ahead (Robbins, 2012 [<https://doi.org/10.1644/11-MAMM-A-406.1>]).

In fact, bears fitted with monitors (akin to a smartwatch) that measure physiological variables recorded the highest daytime vs. nighttime heart rate in bears consistently in the early spring months (February – April) and summer (Laske et al. 2011). In contrast to emerging lethargic, food-motivated bears are very active. According to Laske et al., 2011 [<https://bmcphysiol.biomedcentral.com/articles/10.1186/1472-6793-11-13>] both heart rate and activity increased through the spring for at least a month following emergence from hibernation in early April. Black bears do not emerge in the spring as lethargic – far from it, as nature and necessity dictate.



Black bear boars emerge with high testosterone

In the spring, Black bears respond with gusto to another necessity – procreation. Beginning in late spring, females lay down scent trails via urine which boars very actively follow, chasing away and fighting with vigor for their chance to spread their seed (Rogers 1999 [https://www.bearstudy.org/images/stories/Publications/Spring_and_the_Mating_Season.pdf]).

In fact, in boars serum testosterone concentration was found to rise in the spring before the bears left their dens (McMillin 1976 [https://www.bearstudy.org/images/stories/Publications/Annual_Testosterone_Rhythm_in_the_Black_Bear.pdf]).

Once their immediate need for food is addressed, mature males shift their focus to territory and dominance. In preparation for the upcoming mating season, boars engage in solitary patrols of their ranges, marking trees with their claws and rubbing their scent glands on surfaces to signal their presence to other males. Dominance is crucial, as larger, stronger males will claim access to the most desirable territories, which are rich in food and females. As the weeks progress, these boars sharpen their focus on securing mates, all while staying vigilant for younger rivals. This early emergence grants them an edge in asserting control over their environment before females and younger males become active.



“Lethargy” is an unsupported myth of black bear behavior

In our research, there is only 1 anecdote of “lethargy” in black bears, which was confined to sows and cubs during the April emergence, but not in a peer-reviewed academic paper (in a calendar,[Rogers 1989

[https://www.bearstudy.org/images/stories/Publications/A_year_in_the_life_of_a_black_bear_in_northern_Minnesota.pdf]). Future research in a peer-reviewed journal from the same author clarified this and moved it from the realm of semantics to bear behavior, specifically for cubs following hibernation in which it was noted that some bears become active only after several minutes of prodding and handling. Even so, fewer than one percent of bears die during hibernation (Rogers 1999 [https://www.bearstudy.org/images/stories/Publications/The_Smithsonian_Book_of_North_American_Mammals.pdf])).

The next time you hear someone state that it's not fair chase to hunt a bear in the Spring because it's lethargic, now you can tell them the truth. A truth based on science and logic and not on a cartoonish anthropomorphic vestige of Black bears. Far from black bears being lethargic upon their emergence in the spring – they are truly awakened and going about the business of being black bears.

If you doubt the science, then there is really only one other foolproof test to determine lethargy.

1. Ask your friend who believes that they are lethargic, to go wake up a hibernating black bear.
2. If they say no you are crazy, ask yourself, “why are they saying no?”
3. Your response to that response: “You should be fine don't worry ... the bears are lethargic remember!”



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State of Washington

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

December 13, 2024

Brad Thomsen
P.O. Box 203
Edmonds, WA 98020
Email: brad@bradthomsen@gmail.com

Dear Mr. Thomsen:

This letter is to let you know the results of the Department's consideration of your petition requesting the WDFW Commission to "begin rulemaking for a spring black bear hunting season."

On April 19, 2024 the Fish & Wildlife Commission met and delegated decision making authority for the petition to me as the Director. A written summary sheet was provided to me, and department staff explained why they recommended that the petition be denied. I agree with the recommendations contained in the summary sheet, and I am hereby denying the petition. A copy of the summary sheet is included with this letter.

Thank you for bringing your concerns forward and proposing solutions through the rulemaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Susewind".

Kelly Susewind
Director

cc: Fish and Wildlife Commission
Mick Cope, Wildlife Program Director
Joe Panesko, Assistant Attorney General



Director Delegated Petition Summary Sheet

Decision must be made on or before:

12/16/2024

Agenda item:

Petition asking WDFW to begin rulemaking for a spring black bear hunting season.

Presenter(s): Stephanie Landry, Carnivore Section Manager

Background summary:

The petitioner is asking WDFW to begin rulemaking for a spring black bear hunting season. The petitioner argues that "at the time of the cancellation of the Washington State Spring Bear Hunting Season Commissioner Lorna Smith was concurrently serving two appointed offices", and that the Washington State Supreme Court subsequently ruled in October 2024 that Smith could not both serve as a Department fish and wildlife commissioner and an appointed county planning commissioner. The petitioner states that now is the time to change the Commission's prior votes to not approve recreational hunting of black bears in the Spring. The petitioner points to various statements by Department staff, Commission Chair Barbara Baker and Commissioner Smith between 2021 and present to argue against the Commission policy decision embodied in the Commission's November 2022 vote "that the Commission does not approve recreational hunting of black bears in the Spring." The petition does not mention, but WDFW staff believe it is relevant, that Commissioner Smith resigned from her position on the Jefferson County planning commission on August 10, 2023, in accordance with a superior court order, while choosing to remain a member of the Department's fish and wildlife commission. The litigation regarding Commissioner Smith's incompatible office did not challenge or question the validity of Commissioner Smith's prior votes as a Fish and Wildlife Commissioner, so the conclusion of that litigation with a recent supreme court ruling has no impact on the Commission's prior decisions.

Staff recommendation:

Department staff do not recommend initiating rulemaking to consider adding a spring black bear hunt at this time. Our reasoning for this follows:

In fall 2022, the Commission gave the Department policy direction related to spring black bear hunting. In addition, the Commission has repeatedly voted to deny similar rulemaking petitions since then. Until

the Commission signals an intent to reverse that policy direction, the Department staff will continue recommending no recreational spring bear hunting opportunity. Additionally, Department staff currently do not have new management-based needs beyond what has been presented to the Commission in the past to justify a new spring black bear hunting season, despite a robust bear population. At the October 2024 FWC meeting, the Department staff briefed the Commission on the staff's on-going assessment of the Washington black bear population and a management framework that contains future black bear hunting decision-making. The Commission is expected to provide further policy guidance on black bear management in 2025, which will consider among other things the information presented at the October 2024 briefing.

Policy issue(s) and expected outcome:

If the Director denies the petition, no rule making will occur.

Fiscal impacts of agency implementation:

If the Director denies the petition and no rulemaking occurs, the fiscal impact of this decision is expected to be minimal.

Action requested and/or proposed next steps:

The Wildlife Program recommends the petition be denied.

Post decision communications plan:

WDFW will communicate the outcome of the Director's decision to the petitioner.



State of Washington

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

November 25, 2024

Brad Thomsen
P.O. Box 203
Edmonds, WA 98020
Email: brad@bradthomsen@gmail.com

Dear Mr. Thomsen:

This letter is to let you know the results of the Department's consideration of your petition requesting the WDFW Commission to "open a Spring black bear season to address human-bear conflict."

On April 19, 2024 the Fish & Wildlife Commission met and delegated decision making authority for the petition to me as the Director. A written summary sheet was provided to me, and department staff explained why they recommended that the petition be denied. I agree with the recommendations contained in the summary sheet, and I am hereby denying the petition. A copy of the summary sheet is included with this letter.

Thank you for bringing your concerns forward and proposing solutions through the rulemaking process.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Susewind".

Kelly Susewind
Director

cc: Fish and Wildlife Commission
Mick Cope, Wildlife Program Director
Joe Panesko, Assistant Attorney General



Rulemaking Petition Summary Sheet

Decision must be made on or before:

11/27/2024

Agenda item:

Petition to open rulemaking for a Spring black bear season to address human-bear conflict.

Presenter(s): Stephanie Landry, Carnivore Section Manager, Game Division

Background summary:

The petitioner has asked for a Spring black bear season to be created by the Department to address human-bear conflict. The petitioner points out that Washington is surrounded by 4 different governments that all have Spring black bear hunting seasons: Idaho, Oregon, British Columbia, and the Quinault Indian Nation. Additionally, the petitioner notes that, based on density and abundance estimates provided by WDFW Staff in 2023 and results of the recent 5-year black bear population surveys, the black bear population in WA is robust and has enough individuals to support a spring harvest season.

Staff recommendation:

Department staff recommend denial of the petition for the following reasons:

- 1) Black bears that come into conflict with people are generally occupying areas where firearm restrictions exist. Therefore, using hunters would have limited utility. An additional spring season is not likely to be any more effective in targeting conflict bears than the existing fall general season.
- 2) The cause of most human-bear conflict are attractants, such as bird feeders and unsecured trash in neighborhoods and public areas. The best way to reduce this type of conflict is to remove the attractants. Removing bears in these situations is only a short-term solution, as more bears are likely to be attracted to this area by the available food source. Therefore, hunting is not the most recommended tool for human-bear conflict situations.
- 3) In fall 2022, the Commission gave the Department policy direction related to spring black bear hunting. Despite a robust bear population, Department staff currently do not have new management-based needs beyond what has been presented to the Commission in the past. In addition, at the October 2024 FWC meeting, the Department staff briefed the Commission on the staff's on-going assessment of the Washington State black bear population and a range of frameworks for future black bear hunting decision making. The Commission is expected to

provide further policy guidance on black bear management in 2025, which will consider among other things the information presented at the October 2024 briefing.

Given all of these considerations, Department staff do not recommend initiating a rulemaking to consider adding a spring black bear hunt at this time.

Policy issue(s) and expected outcome:

If the Director denies the petition, no rule making will occur.

Fiscal impacts of agency implementation:

If the Director denies the petition and no rulemaking occurs, the fiscal impact of this decision is expected to be minimal.

Public involvement process used and what you learned:

Not applicable.

Action requested and/or proposed next steps:

The Wildlife Program recommends the petition be denied.

Post decision communications plan:

WDFW will communicate the outcome of the Director's decision to the petitioner.

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Draft report calls Washington state Fish and Wildlife Commission 'dysfunctional'



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WDFW rides down the Cowlitz River to test conditions for smelt on Tuesday, March 5.

RIDLEY HUDSON | RIDLEY@CHRONLINE.COM

Posted Thursday, December 12, 2024 4:17 pm

Michael Wright / The Spokesman-Review (TNS)

Observers of the Washington Fish and Wildlife Commission see it as a body hampered by polarization, dysfunction and conflict, according to a draft report produced by the William D. Ruckelshaus Center.

The report, which analyzed the entire Washington Department of Fish and Wildlife, is based on more than 100 interviews with people deeply familiar with the agency and the commission.

Interviewees were asked about a broad set of topics, including WDFW's funding structure, the agency's efforts to deal with climate change and its mandate to preserve fish and wildlife while maximizing hunting and fishing opportunities.

But in response to questions about its governing structure, interviewees consistently raised concerns about the nine-member commission that oversees the department.

Many interviewees told researchers the panel is "dysfunctional, politically polarized and caught up in conflict." They also raised concerns about the governor's process for appointing members and a lack of accountability.

The report suggests lawmakers should consider eliminating the commission or implementing a broad suite of reforms, such as simplifying the body's "rules of procedure," clarifying its role in dealing with tribal governments and changing the appointment process.

The draft document, first reported on by the Capital Press, contains few surprises for those who follow the commission and the department closely. For those who are less familiar, it provides a crash course in the tensions and criticisms commissioners and WDFW staff have dealt with in the course of the past several years, particularly when it comes to policies on animals like bears, wolves and cougars.

Woody Myers, the Fish and Wildlife commissioner representing Spokane, said he understands why people might see the commission as dysfunctional as it debates tough issues. That's a reflection of the variety of perspectives on the panel, he said, and their attempt to balance competing interests when making decisions.

"There isn't always agreement," Myers said. "Occasionally, there is, but more often than not there's a diversity of opinions on whatever topic we're faced with."

Kim Thorburn, a former commissioner from Spokane, said the panel is broken, and that the report flagged several of its issues.

"It currently is really dysfunctional," Thorburn said. "They spend a bunch of time bickering over process and arguing over science."

The Washington State Legislature requested the report from the Ruckelshaus Center in a budget proviso during the 2023 session. The measure allocated \$300,000 for the study, and directed the center — a collaboration between Washington State University and the University of Washington — to conduct a broad review of WDFW and to offer recommendations for improving the agency by Dec. 1.

A draft report, dated Nov. 27, was provided to those who were interviewed for the study to review for factual errors. The Capital Press obtained a copy and published an article about it last week.

A copy of the draft was provided to The Spokesman-Review by the Ruckelshaus Center on Monday. Chris Page, the center's senior facilitator for projects and strategic initiatives, said in an email that the final report is expected to be made public next week.

Page said the report is unlikely to change significantly.

People interviewed for the study run the gamut of those interested in wildlife management. Hunters, anglers, environmentalists, wildlife biologists, tribal representatives and lawmakers are all among the 113 people interviewed. Current and former commissioners were interviewed — including Thorburn and Myers — as were several members of WDFW's staff.

Interviewees did identify some things they thought were working well within WDFW, particularly the agency's 25-year strategic plan and programs that prioritize biodiversity and conservation.

When asked what about the agency's governing structure was not working well, the report says, "nearly all interviewees talked about the Commission."

The panel's nine members are appointed by the governor. They serve six year terms. The commission meets monthly — the December meeting begins Thursday in Cle Elum — and gets the final say on things like species protections, hunting and fishing seasons and land acquisitions. They also have the authority to hire and fire the WDFW director.

(https://pn.ybp.yahoo.com/cj/cd/H7H-Aw8FE_gLFmTji5b746FqMw0yh8Kqc9PTIDN-gvI_UBPvLKsrIII3Rcj0ARbbW1WczczTvH0sZhkmnTgGqy2sXGUWst1hqdpzu8zP8hyNv3qxyIXZBpybZ8R91PVu4R20sRaUiP-ZayMq1ZzoBLG001AuJs0B28nOZ5HJKsmi4iQn8KdoQoa1iP1adCS9c4TUJgSuFgoYQ6upFzRi8gcpNAqhkfGoLRHqXiZHMJw8ToLJ8RRW2iUWkScPSzdNxbGQWQx1Y4pNiQ6CLg-TeEz9DysvVU9ryKEwDT9W_MmCiogWB_Xg/nurl/https://ad.doubleclick.net/ddm/trackclk/N485401.2488300YAHOODSP/B29481757.405606055;de_trk_aid=597688888;de_trk_cid=223570964;de_lat=;de_rndid=;tag_for_child_directed_treatment=;tfua=;gdpr=0;gdpr_consent=;ltd=;dc_tdv=1?tblci=GiDy07ZY30AfkSwHvYcQ1WLNmT_7OZKGV6mXsKtfdpESDTtWTopoyg0fi38u2BATD9sVg#tblci:GiDy07ZY30AfkSwHvYcQ1WLNmT_7OZKGV6mXsKtfdpESDTtWTopoyg0fi38u2BATD9sVg)

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Over the past few years, the commission has taken controversial votes on predator management, including ending the state's spring black bear hunt and rewriting rules for cougar hunting, that pitted hunters against predator advocates.

It has also stumbled into controversy in other ways, such as with its attempt to craft a conservation policy. The brief document was meant to set the top priorities for the panel, but it drew criticism from people who felt it was setting the stage for further limitations on hunting and from conservationists worried the policy didn't go far enough.

A final vote on the policy was canceled last January after tribes requested formal consultation on the policy, raising concerns that it could affect their treaty rights.

People told the center that the commission's group dynamics are dysfunctional, that the panel has trouble following rules of procedure, and that both factors result in wasted time and significant stress on commissioners. They said the commission's role in working with tribal governments is unclear, and that there are few ways to hold the panel and its members accountable.

Many mentioned the governor's appointment process as something that wasn't working well. People told researchers there was "a lack of, or unclear selection criteria and qualifications."

Francisco Santiago-Avila, science and advocacy director for Washington Wildlife First, said that's one area of the report with which his group agrees. He also said they agree with the part of the report that showed people aren't sure how to hold the commission accountable, and that the commission has recently made decisions that run afoul of requests from the governor and the legislature.

He also said they were disappointed in some parts of the report, particularly perspectives he feels have no factual basis — such as the claim from some that animal rights groups have an outsized influence on the commission.

But he said the big takeaway is that the agency can be improved.

"The most important message that we get from it is there's a need to make the department more effective," Santiago-Avila said.

The report didn't make a strong recommendation for which path lawmakers should take on fixing WDFW's governing structure, but it provided some detail on how each option could look.

Eliminating the commission would mean making WDFW a cabinet agency, giving the governor the power to appoint its director. Under that option, the commission could remain as an advisory board.

For fixing the panel, the report provided a dozen recommendations, including changing the appointment process and creating new accountability mechanisms for commissioners.

Dan Wilson, co-chair of the Washington chapter of Backcountry Hunters and Anglers, said the report made good recommendations, but that any changes are going to depend on political will in the Legislature.

If that will exists, he said, the public should be involved.

"It can't be closed-door, high-level conversations," Wilson said. "There needs to be a really robust dialogue and invitation from all citizens to provide input."

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Master Hunter Shooting Proficiency Certification

Please write your score on the lines located under the shooting discipline that you are submitting for.

Rifle, muzzleloader, handgun, and archery shooters must shoot ten consecutive shots fired from each distance.

Slug gun and crossbow shooters must shoot five consecutive shots fired from each distance.

All shooters must use a B-3 target except as noted. Targets can be printed from the Master Hunter website.

Shotgun shooters shooting shot must shoot a minimum qualifying score of 20 out of 25 targets on either an official skeet or an official trap field.

_____ of 25

Modern rifle shooters must shoot a minimum qualifying score of 60 points off-hand at 50 yards and 80 points off a rest at 100 yards.

50 yards _____ 100 yards _____

Muzzleloader shooters must shoot a minimum qualifying score of 60 points off-hand at 50 yards and 80 points off a rest at 75 yards.

50 yards _____ 75 yards _____

Handgun shooters must shoot a minimum qualifying score of 60 points off-hand at 25 yards and 80 points off a rest at 50 yards on a B-3 target.

25 yards _____ 50 yards _____

Slug gun shooters must shoot a minimum qualifying score of 30 points off-hand at 50 yards and 35 points from a rest at 100 yards.

50 yards _____ 100 yards _____

Crossbow shooters must shoot a minimum qualifying score of 35 points off-hand at 20 yards and 40 points off a rest at 40 yards.

20 yards _____ 40 yards _____

Archery shooters must shoot a minimum qualifying score of 80 points at 10 yards and 70 points at 20 yards and 60 points at 30 yards.

10 yards _____ 20 yards _____ 30 yards _____

Shooter Printed Name

Address

City

Zip

Witnessed By (Print Name)

Address

City

Zip

I, the above named shooter, attest by my signature below to the truth and accuracy of the information provided herein. I fully understand that the Revised Code of Washington prescribes legal penalties for supplying false information, and that I am personally and fully subject to these provisions of law.

Master Hunter Applicant signature

Date

Directions for Completing the Master Hunter Shooting Proficiency Certification

1. Print or purchase several B-3 shooting targets and go to your local shooting range or safe area with a good soft backstop.
2. Commence shooting at the range(s) and method(s) indicated in the shooting disciplines scoring section for the shooting discipline you are qualifying with.
3. Count up your score for each distance and method required in the shooting disciplines scoring section.
4. If the minimum score is reached or exceeded, record that score on the correct line.
5. Print your name and address on the shooter name line.
6. Print the name and address of the **unrelated adult** who witnessed you attain your qualifying score.
7. Sign and date the form under the language to attest that all of the information contained in the Master Hunter Shooting Proficiency Certification is correct.
8. Send the form into the Olympia Office: Department of Fish and Wildlife, Master Hunter Permit Program, PO Box 43141, Olympia, WA 98501-1091.

Scoring:

1. Shots striking outside the six (6) ring on the B-3 target have no point value.
2. All shots striking within the scoring ring of six (6) or higher have a point value. Thus, a shot striking within the 7 ring earns a score of 7 points. A shot striking the 9 ring earns a score of 9 points. If a shot breaks the ring line of a higher point value ring, only the higher point value is awarded. For example, if one shot strikes between the 8 and 9 ring, that shot earns only 9 points (not 9 + 8). Each shot can only earn 0, 6, 7, 8, 9 or 10 points.
3. The cumulative value of all shots fired at each position determines the point score. Add the point value of all shots to determine your point score. Shots with zero point value must be counted as zero within the 5 or 10 shot string.
4. All shots must be consecutive. Shooters may not shoot more than the specified number of shots in a string and select their best individual shots. Shooters may not shoot more than the specified number of shots and select their best consecutive shots.
5. Shooters who do not attain the minimum required score within the allowed shots must start over and shoot a new target. For example, if you score less than the required number of points with 5 or 10 consecutive shots you cannot simply shoot another shot (6th or 11th shot) to boost your score to/above the minimum requirement.
6. All hunting equipment used to qualify must meet legal requirements for general hunting seasons. For modern rifles the minimum caliber is .24. Shotguns shooting slugs must be 10 or 12 gauge to ensure legality for elk hunting. Refer to the current Washington's Big Game Hunting Seasons & Regulations pamphlet for legal requirements for archery, muzzleloader, and crossbow.



Definitions:

Off-hand – Standing position unsupported by a rest.

Rest – Any shooting support that could be used in the field when pursuing big game animals. This can be a bi-pod, tri-pod, backpack, or

Applicants should qualify with the type of legal hunting equipment that they intend to use during Master Hunter seasons. It is expected that Master Hunters will be proficient with any legal hunting equipment prior to its use during any Master Hunter season. Master Hunters may qualify with additional hunting equipment at any time simply by following the instructions for qualification and sending the completed Shooting Proficiency Certification form to the Washington Department of Fish and Wildlife (WDFW). Master Hunters may also use this one sheet to qualify with multiple hunting equipment.