



# 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 P.O. Box 703  
 City Edmonds State WA Zip Code 98020  
 Telephone 425-890-4649 Email brad@bradthomsen.com

### 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/RClist.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: WDPW

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

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

The rule is needed because: Please See Attached

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

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

List rule number (WAC), if known: \_\_\_\_\_

I am requesting the following change: \_\_\_\_\_

This change is needed because: \_\_\_\_\_

The effect of this rule change will be: \_\_\_\_\_

The rule is not clearly or simply stated: \_\_\_\_\_

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

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

It does not do what it was intended to do.

It is no longer needed because: \_\_\_\_\_

It imposes unreasonable costs: \_\_\_\_\_

The agency has no authority to make this rule: \_\_\_\_\_

It is applied differently to public and private parties: \_\_\_\_\_

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

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

Other (please explain): \_\_\_\_\_

**Sent via Email to:**

[rules.coordinator@dfw.wa.gov](mailto:rules.coordinator@dfw.wa.gov) on Monday September 30<sup>th</sup>, 2024 04:30am

[commission@dfw.wa.gov](mailto:commission@dfw.wa.gov) on Monday September 30<sup>th</sup>, 2024 04:30am

[Kelly.Susewind@dfw.wa.gov](mailto:Kelly.Susewind@dfw.wa.gov) on Monday September 30<sup>th</sup>, 2024 04:30am

[ruth.musgrave@gov.wa.gov](mailto:ruth.musgrave@gov.wa.gov) on Monday September 30<sup>th</sup>, 2024 04:30am

Monday September 30<sup>th</sup>, 2024

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

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

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

Director Susewind, Commissioners, and WDFW Rules Coordinator:

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

- 1. Reduce bear human conflict for various reasons, AND,**
- 2. Based on the September 13, 2024 Oregon Department of Fish and Wildlife Commission Meeting. The Commission did not make and major changes to their Bear Hunting Season Structure, approving of slight increase in Spring Bear Tags and continuation of the Oregon Spring Bear Hunting Season, AND,**
- 3. Currently Washington State is surrounded by 4 different Governments who all have Spring Black Bear Hunting Seasons, AND,**
- 4. Based on the reliability of density and abundance estimates provided by WDFW Staff to the Commission on December 14-15, 2023, AND,**
- 5. The results of the recent 5 year robust WDFW Black Bear Population Surveys**

On Friday September 13<sup>th</sup> 2024, the world watched while the Oregon Department of Fish and Wildlife set their 2025 Big Game Hunting Regulations.

From the Oregon Department of Fish and Wildlife website press release dated September 13, 2024;

“Commission sets 2025 Big Game Hunting Regulations”

[https://www.dfw.state.or.us/news/2024/09\\_sep/091324.asp](https://www.dfw.state.or.us/news/2024/09_sep/091324.asp)

“Much of the public comment and testimony about the regulations focused on spring bear hunting, with thousands of emailed comments received and about 30 people testifying for and against. The Commission did not make any major changes to spring bear hunt structure, approving the staff proposal for a small increase in tags (2 percent) and a new bear hunt for youth hunters. Oregon’s current bear population is estimated to be approximately 44,000 bears of all age classes.”

From the September 13, 2024 Northwest Sportsman News Article,

“ODFW Commission Approves Slight Increase In Spring Bear Tags, New Op For Youth Hunters”

<https://nwsportsmanmag.com/odfw-commission-approves-slight-increase-in-spring-bear-tags-new-op-for-youth-hunters/>

“The Commission first heard staff testimony regarding the population status of Oregon’s game mammals, most of which are stable to increasing.”

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).

At the end of the commission meeting in Oregon, two of the commissioners, one specifically, really went into detail, she said,

*You know I'm not a hunter. I don't understand, you know, eating bear or why people would eat bear or hunting bear, and she compared it to eating horse. She was just like man, it just seems gross to me. But I have to go to science. I can't go with my personal feelings.*

She followed their mandate. The commissions mandate.

And one of the other commissioners said something similar. Not quite as much.

But it was really interesting to me because we now have the California Commission that has supported bear hunting season. Unanimously.

The Oregon Commission, Unanimously.

My question is Washington.

What's the difference?

Is the WDFW science different?

Does Washington have different bears?

California, Oregon, Quinault Indian Nation, Vancouver British Columbia, Washington State.

What's the difference?

What's the difference here?

Why do Washington Commissioners come to a different vote?

Why do Washington Commissioners say different things?

It's because Washington Commissioners are not sticking to the science.

Good job Oregon.

***“Reduce bear human conflict for various reasons”***

**WDFW announces funding decisions for inaugural Wildlife Diversity Grants**

<https://wdfw.wa.gov/species-habitats/at-risk/wildlife-diversity-grants>

Title: Upper Methow Grizzly Bear Conflict Prevention Project, Grantee: Madelyn Hamilton,  
Entity: **Methow Valley Citizens Council**

From the WDFW Commission Members webpage

<https://wdfw.wa.gov/about/commission/members>

WDFW Commissioner Melanie Rowland, J.D. "...she has volunteered as a member of the board and legal counsel for the **Methow Valley Citizens Council.**"

From the Methow Valley Citizen Council Staff and Board webpage <https://mvcitizens.org/staff-and-board/>

Melanie Rowland, Legal Counsel - **Methow Valley Citizens Council**

***WDFW Commissioner***

***Melanie Rowland***

**WDFW Commission Meeting**

**08/09/2024**

**00:02:58**

<https://twv.org/video/washington-fish-and-wildlife-commission-2024081021/?eventID=2024081021>

*“Well, I’m sharing a story from my hometown newspaper, the Methow Valley News, on the front page.*

*“The Methow Valley News”*

*July 25, 2024*

*Article Titled: “Fencing Program May Keep Bears At Bay”*

<https://methowvalleynews.com/2024/07/25/fencing-program-may-keep-bears-at-bay/>

*This week’s, well, last week’s, the latest issue. There is an article that said, the title is fencing program may keep bears at bay.*

*And there is a picture of a grizzly there.*

*I think that’s a grizzly.*

*Is that a black? OK.*

*Black bear instead.*

*And what they have done, **the Methow Valley Citizens Council** and others have formed a new group called the **Methow Bear Coalition** to reduce human bear conflict in the Methow Valley.*

*And this article says that homeowners can be reimbursed up to \$500 for installing an electric fence.*

*They are now trying to use electric fences for keeping animals out of places you don’t want them to go and reducing that conflict.*

*So this is, yeah, the bear photo is a courtesy of the Department of Fish and Wildlife, of course.*

*But I thought this was exactly the kind of thing that we want to be promoting.*

*And when we talk about budget and money, and I know a lot of there are a lot of issues in terms of wolves for compensation, not for compensation for dead calves or anything, but compensation for taking non-lethal measures.*

*Because that costs money. And ranchers ought to be paid for having to do that.*

*Well, this is something else that costs money that could reduce human bear conflict.*

*It we could come up with some money to help a whole lot of places do this kind of fencing, that'd be great.*

*So I was just delighted to see this. I didn't know that that was happening. And there's a lot of effort to reduce. There's already been the bear awareness that Lauren used to teach in terms of keeping your garbage locked or inside or something like that.*

*There's all those things.*

*But obviously, there's still a lot of problems.*

*So this electric fencing, I think, is something that could be very helpful to pursue.*

*So I was pleased.*

*This is what's happening in my town.*

*\*\*\*\*Next Date / Time Stamp\*\*\*\**

***WDFW Commissioner***

***Melanie Rowland***

***WDFW Commission Meeting***

***08/09/2024***

***01:51:32***

*"Well, I guess I'm just being defensive.*

*But one of the commenters dismissed the idea of electric fencing as a way to actually reduce bear human conflict for various reasons.*

*But a lot of the, I think the goal is to have electric fencing underground.*

*So that is not going to be a problem.*

*It doesn't do a bunch of, you know, make a bunch of fences that fall down or get pulled out or whatever.*

*And as far as I know, it has been shown to work.*

*But it is particularly effective when it is underground.*

*So I would just like to not dismiss the idea of electric fencing, particularly when what the groups are doing is raising money to help people put in that electric fencing.*

*It's just like the other kinds of conflict reduction that I think WDFW should be helping with people who experienced this conflict, whether it's, you know, something a predator killing livestock or a bear coming in and raiding your garbage can.*

*I mean, there are ways to deter that.*

*And I think, and again, talking about budget, I think that helping people who are in conflict with the wildlife that was here before us and is here now and that many of us want to stay here, reducing that conflict is a critical piece of WDFW's mandate."*

*\*\*\*The News Article that was referenced\*\*\**

<https://methowvalleynews.com/2024/07/25/fencing-program-may-keep-bears-at-bay/>

*What appears to be paragraph 9 reads;*

*"Funding for the program comes from grants from Washington Department of Fish and Wildlife (WDFW) and Vital Ground Foundation."*

**WDFW Commissioner**

**Melanie Rowland**

**WDFW Commission Meeting**

**08/09/2024**

**02:03:01 – 02:04:18**

*"Yeah, a lot of you probably noticed this but I made a big mistake.*

*These electric fences can't be underground.*

*I was thinking of the underground fences that keep dogs out.*

*My husband and I were looking to put one of those in because we had a dog next door that would come over and chase our cats.*

*But I realized oh wait a minute that means the animals got to have a collar on, the you know, that gets shocked when they go over that.*

*So I just wanted to tell you, yeah, that was a stupid mistake, but, ... I still think that electric fencing is a really good idea and Nate Pamplin our director of communications and public outreach told me that they that WDFW that is part of their assistance to landowners for reducing human wildlife conflict that, that is exactly the kind of thing that that we do.*

*So I'm pleased to hear that and please forgive me for saying, oh no those are all underground, but I think it would be a lot of fun to try to go out there and collar the bears and wolves so we could have underground fencing".*

**WDFW announces funding decisions for inaugural Wildlife Diversity Grants**

<https://wdfw.wa.gov/species-habitats/at-risk/wildlife-diversity-grants>

Title: Upper Methow Grizzly Bear Conflict Prevention Project, Grantee: Madelyn Hamilton,  
Entity: **Methow Valley Citizens Council**



From the WDFW Commission Members webpage  
<https://wdfw.wa.gov/about/commission/members>

WDFW Commissioner Melanie Rowland, J.D. "...she has volunteered as a member of the board and legal counsel for the **Methow Valley Citizens Council**."

From the Methow Valley Citizen Council Staff and Board webpage <https://mvcitizens.org/staff-and-board/>

Melanie Rowland, Legal Counsel - **Methow Valley Citizens Council**

***"Reduce bear human conflict for various reasons"***

Spring Black Bear Hunting is one method used for targeting a problem Black Bear during the Legal Hunting Season.

Black Bear Conflict and Depredation in the Spring can involve Property Damage, Human Health and Safety, Livestock Depredation and Damage to Agriculture.

To learn more about Human Black Bear Conflicts;

<https://www.aphis.usda.gov/sites/default/files/black-bear-wdm-tech-series.pdf>

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

The unscientific rule changes of November 19, 2021, and the unscientific vote by the Commission of Friday November 18, 2022, can be addressed by beginning rule making for a spring depredation / management black bear hunt based on the reliability of density and abundance estimates provided by WDFW Staff on December 14-15, 2023

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

On Friday December 15, 2023 the Commission voted to approve a Petition brought by The Humane Society Of The United States, The Center For Biological Diversity, The Mountain Lion Foundation, and Washington Wildlife First, to address "unscientific black bear general season rule changes during the years 2019-21."

A quick Google Search of the above entities websites show their addresses to be;

The Humane Society Of The United States  
1255 23<sup>rd</sup> Street, NW, Suite 450  
Washington, DC 20037

The Center For Biological Diversity  
Main office, Tucson, Arizona:  
P.O. Box 710  
Tucson, AZ 85702-0710

The Mountain Lion Foundation  
P.O. Box 1896  
Sacramento, CA 95812

Washington Wildlife First  
PO Box 760  
Copalis Crossing, WA 98550

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

**Why is this Commission catering to out of state special interest groups over the recommendations of it's own WDFW Staff Biologists recommendations?**

From the November 18, 2022 news article;

“WDFW Commission Kills Spring Bear Hunt As It’s Known”

<https://nwsportsmanmag.com/wdfw-commission-kills-spring-bear-hunt-as-known/>

“... However the Commission discussed support for the Department to propose hunts that would utilize recreational licensed hunters when needed to address certain management objectives, such as timber damage, achieving ungulate management objectives, or human-wildlife conflict issues and expressed that this was not precluded by the motion”

***Spring Black Bear Hunting (continued)***

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

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

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

- Density estimates and estimated harvest rates show medium-high density and sustainable harvest rates in most areas
- Population growth rates in 2 areas of the Cascades show stable population

- Local population estimates are robust, we are working on a statewide estimate but should not be compared to previous estimates due to differing methods and reliability
- Density and abundance are not incorporated into current management framework, but likely to be in upcoming GMP
- ***Reverting to the 2018-2019 rules in unlikely to change harvest levels***

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

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

- to help protect fawn and calf survival rates in the spring
- maintain a sustainable black bear population in Washington State
- help protect public land timber from depredation and damage.
- address black bear predation on neonate ungulates in the spring
- increase public safety
- Spring Black Bear Conflict and Depredation involving Property Damage, Human Health and Safety, Livestock Depredation and Damage to Agriculture.

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

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

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

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

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

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

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

We saw the Commission pass a petition on December 15, 2023, brought by The Humane Society Of The United States, The Center For Biological Diversity, The Mountain Lion Foundation, and Washington Wildlife First, which will begin a process for WDFW Staff and Commission to undertake rulemaking to amend the Washington Administrative Code to “reverse unscientific 2019-21 Black Bear General Season rule changes.”

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

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

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

- For more information regarding the unscientific rule change that occurred on Friday November 19, 2021, please refer back to the article: “Spring Bear Hunts Cancelled In Washington State” which details the process which led to the cancellation of the Spring Hunt as well and interviews and quotes from Commissioners who were present for the vote.
- Washington bear management has historically been dictated by politics over science.

### **Why is this Commission catering to out of state special interest groups over the recommendations of it's own WDFW Staff Biologists recommendations?**

Saturday October 28<sup>th</sup> 2023

Commission Chair Barbara Baker states on the record,  
*“... um, we knew, we were told, that we had enough bears to have a bear hunt in the spring”...*

From the November 18, 2022 WDFW Commission Meeting

“... However the Commission discussed support for the Department to propose hunts that would utilize recreational licensed hunters when needed to address certain management objectives, such as timber damage, achieving ungulate management objectives, or human-wildlife conflict issues and expressed that this was not precluded by the motion”

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.

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

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

Saturday October 28<sup>th</sup> 2023

Commission Chair Barbara Baker states on the record,

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

Now is the time to begin rulemaking for a Spring Black Bear Hunting Season as a way to;

1. Reduce bear human conflict for various reasons, AND,
2. Based on the September 13, 2024 Oregon Department of Fish and Wildlife Commission Meeting. The Commission did not make and major changes to their Bear Hunting Season Structure, approving of slight increase in Spring Bear Tags and continuation of the Oregon Spring Bear Hunting Season, AND,
3. Currently Washington State is surrounded by 4 different Governments who all have Spring Black Bear Hunting Seasons, AND,
4. Based on the reliability of density and abundance estimates provided by WDFW Staff to the Commission on December 14-15, 2023, AND,
5. The results of the recent 5 year robust WDFW Black Bear Population Surveys

Thank-you