



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.
