



# 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 Thomssen  
 Name of Organization \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ 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: 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): \_\_\_\_\_

To Whom It May Concern:

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

There is a clear commission motion to not have management based bear hunts until a management-based need has been identified.

As mandated by the Washington State Legislature (RCW 77.04.012), “... the Department shall preserve, protect, perpetuate, and manage the wildlife...”; “ the Department shall conserve the wildlife... in a manner that does not impair the resource...”; and “The commission shall attempt to maximize the public recreational... hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.” It is this mandate that sets the overall policy and direction for managing hunted wildlife in the State of Washington. Hunters and hunting play a significant role in the conservation and management of Washington’s wildlife.

Management based hunts are designed to address emerging management needs, such as black bear damage to trees in commercial timberlands, minimizing bear-human conflict, and/or to more evenly distribute harvest compared to fall seasons.

Management based black bear permit hunts allow WDFW to geographically distribute hunters as compared to the general fall black bear season. This helps to mitigate bear timber damage, reduce bear densities in areas of high negative bear-human interactions and where ungulate neonate survival is low due to possible bear predation. The management based black bear permits are designed to target specific areas where these issues occur.

During the August 9, 2024 WDFW Commission Meeting we heard Commissioner Melanie Rowland discussed electric fencing, (*underground electric fencing*), as a way to reduce bear human conflict.

*WDFW Commissioner*

*Melanie Rowland*

*WDFW Commission Meeting*

*08/09/2024*

*00:02:58*

<https://tvw.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.”*

There is an identified area of Washington State that is experiencing bear-human conflict.

Funding for the program comes from grants from Washington Department of Fish and Wildlife (WDFW)

I am not against electric fencing to reduce human-bear conflict.

Although this *‘particularly effective **underground electric fencing**’*... I can find nothing on Google about **underground** electric fencing for bears...

<https://agrillifeextension.tamu.edu/library/wildlife-nature-environment/deterring-bears-with-electrified-fences-a-beginners-guide/>

[https://fwp.mt.gov/binaries/content/assets/fwp/conservation/wildlife-reports/bears/mfwp\\_electric-fencing-guide\\_v4.0.pdf](https://fwp.mt.gov/binaries/content/assets/fwp/conservation/wildlife-reports/bears/mfwp_electric-fencing-guide_v4.0.pdf)

The new 5 year black bear population studies the Department just completed shows there are areas of the state with robust black bear populations that can support a management based spring bear hunting season.

The statewide black bear management goals in the GMP are specifically tailored to Washington State’s black bear population. Science and the professional judgment of biologists is the foundation for all objectives and strategies identified in the GMP.

The current Game Management Plan is 2.5 years out of date – it expired in 2021.

All possibilities are open.

Hunting Regulations are based on the newest Department science. That is what the rule making effort is all about.

Internally, WDFW has the new Black Bear Population Science.

This petition calls for proposals based on that science.

That is what Game Management is all about.

The best way to manage black bear conflict, back during the times when the WDFW Commission followed the science regarding black bears, back in the days when the WDFW Commission followed the recommendations of the department

biologists regarding black bear seasons setting, Washington State had a Management Based Black Bear Hunting Season. (it occurred in the Spring)

How many WDFW Commissioners have taken the WDFW Black Bear Identification Test found on the WDFW website?

<https://wdfw.wa.gov/hunting/requirements/bear-identification-testing>

How many WDFW Commissioners can look at a photo of a Bear on the front page of a news article and identify if it is a Grizzly Bear or a Black Bear?

How many of the WDFW Commissioners have completed a WDFW Hunter Education Course? Or have a current hunting license?

On August 12<sup>th</sup> 2024 during the WDFW Commission Meeting the Commission delegated future petitions for Rule Making to the Director.

This petition requests a return to science based, WDFW biologist recommendations based, fulfilling WDFW mission and legislative mandate based decisions regarding Black Bear Management.

Just as Commissioner Melanie stated on August 9<sup>th</sup> 2024

*“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.”*

I would like to say, talking about budget, allowing a management based black bear hunting season, which would again help people who are in conflict with wildlife, reducing that conflict is a critical piece of WDFW’s mandate. (RCW 77.04.012)

The WDFW Commission has denied requests (petitions) previously to allow hunters to help property owners having black bear depredation and/or conflict and/or damage during the months the black bear hunting season is closed.

Yes, above ground electric fencing works in deterring some black bear conflict. But not all.

Yes, WDFW should be the agency to authorize whether or not a removal permit be authorized.

This petitions calls for a management based black bear season.

Thank-you



8/13/2024