



## Director Delegated Petition Summary Sheet

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**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

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**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.

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**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.

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**Policy issue(s) and expected outcome:**

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

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**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.

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**Action requested and/or proposed next steps:**

The Wildlife Program recommends the petition be denied.

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**Post decision communications plan:**

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

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