

This presentation is a follow up item on the direction staff received from Commissioners at their February 2015 meeting.

## Requesting Commission Action

- Notice to Publish Proposed Rule Amendments:
  - ✓ Bear, Fox, and Raccoon Feeding Rule 68A-4.001(3)
  - ✓ Bear Conservation Rule 68A-4.009
  - ✓ Bear Depredation Permit Program
- Policy position:
  - ✓ Comprehensive Waste Management Policy Paper



In this presentation, FWC staff is requesting Commission approval to publish a Notice of Proposed Rule for amendments to the Bear Feeding and the Bear Conservation rules, which would include a Bear Depredation Permit Program. In addition, staff will provide a brief update on efforts to create a Comprehensive Waste Management Policy Paper and resolution as directed by the Commission in February.

## Public Engagement (As of 3/17/15)

- Online website: >500 comments
- 7 Bear Stakeholder Group meetings: >90 participants
- 2 Public webinars: >??? participants
- 2 Petitions: >35,000 signatures
- Calls, emails, and letters
  - >150 calls
  - >300 emails
  - >20 letters



FWC staff has engaged the public on bear management issues in a variety of ways. Staff created a website where the public could submit their comments on any of the bear-related topics covered at the February Commission Meeting. FWC traveled around the state to meet with 7 different Bear Stakeholder Groups to get regional feedback. In addition, staff held two public webinar meetings, which gave people the opportunity to share their thoughts with FWC over the phone and online. The public also reached out to FWC with 2 petitions, one with over 1,500 signatures and another with over 34,000 signatures, as well as telephone calls, emails, and letters.

## Comments on Feeding Rule

- New language will help reduce conflicts
- Create separate rule for bears
- Strong support for education
- Provide improved clarity on feeding
- Support progressive penalty change



In general, people were encouraged by the proposed changes in the feeding rule language and felt it would help reduce conflicts. Many people commented that they thought that bears should have their own feeding rule, separate from coyote, fox, and raccoon. There was strong support for FWC to continue its educational approach to help people understand the repercussions of feeding wildlife, and that the rule changes would help that educational process. In interactions with the public, it became clear there was a need to clarify when people might be in violation of this rule.

## Feeding Rule Changes

- Remove 'black bear' from the list of species
- Add 'coyote' to the list of species
- Add new subsection specifically for black bears



Staff is recommending to add coyote to the fox and raccoon feeding prohibition subsection and to add a new subsection that specifically deals with bears. Coyotes are attracted to human-provided foods such as garbage, as well as prey on other animals attracted to human-provided foods. Bears would have their own specific rule in a new subsection similar to the current rule language. To provide clarity of understanding for the new rule, the Division of Law Enforcement will provide a guidance document to officers, who in turn can assist the public in having a better understanding of what constitutes a potential violation. Education through personal interactions and warnings will be critical to this effort.

The full text of the proposed changes is included as a separate background document for this item.

## Bear Conservation Rule Comments

- General Rule
  - ✓ Supportive of changes
- Bear Depredation Permit
  - ✓ Permit option helpful
  - ✓ Offer technical assistance
  - ✓ Good suggestions to improve language



People were supportive of the language changes proposed for the bear conservation rule, specifically those that will now allow local law enforcement and other responders to scare bears without a permit (hazing). People were supportive of the depredation permit program. They assisted staff in both rule and procedure language to clarify the program intent and how it would be implemented. Some felt there would be a need for technical assistance to people who were requesting a permit.

## Bear Conservation Rule Changes

- Remove 'Florida' from all bear references
- Remove duplicative language
- Remove need for permit to haze bears



FWC staff is recommending removal of the word 'Florida' from all bear references to be consistent with existing rules (all of which use 'black bear' not 'Florida black bear') and for clarity in enforcement. Staff also is recommending removal of some duplicative language that is already covered under the definition of 'take'. In addition, staff is recommending that a section be added to clarify that individuals who are attempting to scare a bear using non-lethal methods would not need a permit to do so, and would not be in violation of the rule.

The full text of the proposed changes is included as a separate background document for this item.

## Bear Conservation Rule Changes

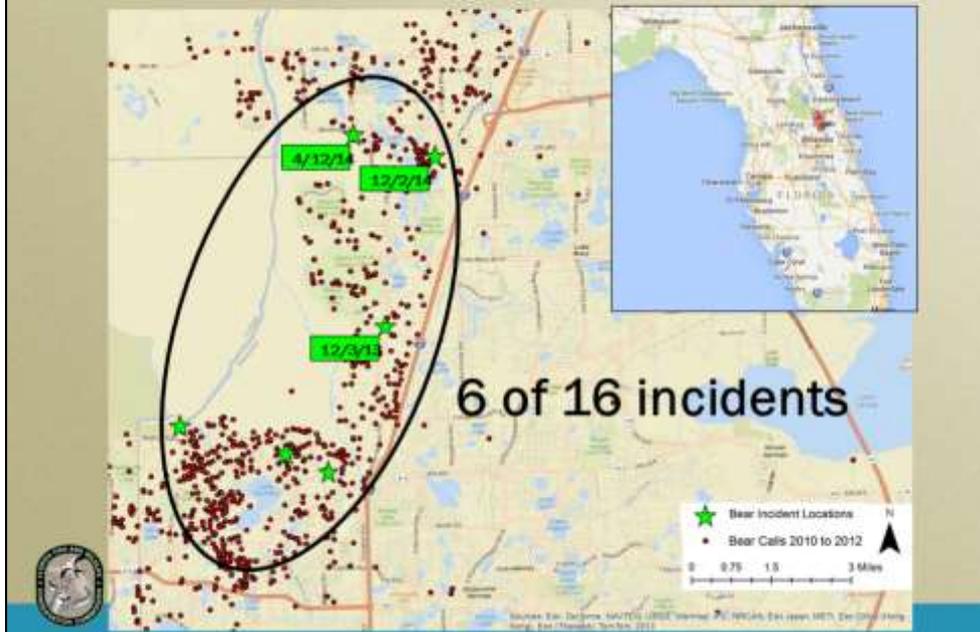
- Allow for bear depredation permits when:
  - ✓ Property damage is occurring
  - ✓ Protective methods defeated or no viable options exist
  - ✓ Unsuccessful capture effort



Staff is proposing to allow depredation permits to be issued in appropriate settings where other measures are not working. Depredation permits would authorize a landowner to remove bears if they are causing property damage, and protective measures like electric fencing have failed or are not feasible, and FWC staff has been unable to trap the bear within 4 nights. Depredation permits would not be issued in cases that do not meet these criteria or when the safety of surrounding residents may be an issue. FWC staff will be available to provide technical assistance as requested by landowners.

The full text of the proposed changes is included as a separate background document for this item.

# Waste Management Policy Paper



As directed by Commissioners in February, staff is in the process of drafting a policy paper on the need for comprehensive waste management to reduce human-bear conflicts. The report and an accompanying resolution should be ready for Commission review at the June 2015 meeting. Commission approval of and help in circulating the final policy paper will be critical to success.

## Commission Action

- Approve Notice to Publish Proposed Rule Amendments:
  - ✓ Bear, Fox, and Raccoon Feeding Rule 68A-4.001(3)
  - ✓ Bear Conservation Rule 68A-4.009
  - ✓ Bear Depredation Permit Program



FWC requests Commission approval to publish a Notice of Proposed Rule amendments for the Bear Fox and Raccoon Feeding rule and the Bear Conservation rule.

**END**

(following slides are for background only)



### **68A-4.001 General Prohibitions.**

*(3) Intentionally placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts ~~black bears~~, ~~coyotes~~, ~~foxes~~, or ~~raccoons~~ and in a manner that is likely to create or creates a public nuisance is prohibited.*

*(4) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that the person knew or should have known it attracts black bears, and in a manner that is likely to create or creates a public nuisance, is prohibited.*



Proposed changes to Rule 68A-4.001 F.A.C.

## 68A-4.009 Florida Black Bear Conservation

*(1) No person shall take, ~~(as that term is defined in Rule 68A-1.004, F.A.C.),~~ possess, injure, shoot, wound, trap, collect, or sell Florida black bears (Ursus americanus floridanus) or their parts or to attempt to engage in such conduct except as authorized by Commission rule or by permit from the Commission.*



Proposed changes to Rule 68A-4.009, F.A.C.

## 68A-4.009 Florida Black Bear Conservation

*(2) The Commission will issue permits authorizing intentional take of bears when it determines such authorization furthers scientific or conservation purposes which will benefit the survival potential of the species or to reduce property damage caused by bears. For purposes of this rule, ~~a scientific or conservation purpose shall mean activities that are eligible for a permit further the conservation or survival of the species, including include:~~*

*(a) Collection of scientific data needed for conservation or management of the species; and*



Proposed changes to Rule 68A-4.009, F.A.C.

## 68A-4.009 Florida Black Bear Conservation

*(b) Removing bears from situations that constitute a human safety risk or a risk to the well being of the bear; Taking bears that are causing property damage when no non-lethal options can provide practical resolution to prevent the damage, and the Commission is unable to capture the bear.*

*(3) The Commission authorizes members of the public to take a bear in an attempt to scare a bear away from people using methods considered non-lethal. Staff shall authorize specific methods and situations that qualify for this authorization at <http://MyFWC.com/bear/>.*



Proposed changes to Rule 68A-4.009, F.A.C.

## **68A-4.009 Florida Black Bear Conservation**

*(3)(4) The Commission will provide technical assistance to land owners and comments to permitting agencies in order to minimize and avoid potential negative human-bear interactions or impacts of land modifications on the conservation and management of black bears. The Commission will base its comments and recommendations on the goals and objectives of the approved Florida Black Bear Management Plan. The plan can be obtained at <http://MyFWC.com/bear/>.*



Proposed changes to Rule 68A-4.009, F.A.C.

## Depredation Permits

- Landowner or lessee with landowner permission
- One bear per permit; if damage persists can re-apply
- No permits for:
  - ✓ Bears with cubs from February 1 to August 1
  - ✓ Areas where it would risk public safety
  - ✓ Game feeding stations
- Cannot keep the bear

