

Background Document
Florida Black Bear Management Update
Agenda Item 5A
February 4, 2015

Proposed changes to Florida Administrative Code Rule 68A-4.009 (F.A.C.): Florida Black Bear Conservation Rule

Staff is requesting authorization to advertise proposed changes to Administrative Code Rule 68A-4.009, the Black Bear Conservation Rule.

We recommend removing any references to the specific subspecies of the Florida black bear (*Ursus americanus floridanus*) from the rule, including the title. This change is necessary to maintain consistency and avoid confusion – all other references to bears in F.A.C.s refer to black bears and do not refer to the specific subspecies Florida black bear, and it will clarify that any wild black bear in Florida is protected under the rule.

We are also proposing an amendment to the rule to provide an option for FWC to issue permits to allow property owners or lessees to take a bear for damaging property as part of a bear depredation program. This permit would be used in situations where bear deterrent methods are not working or where there are no feasible non-lethal options the FWC can offer to resolve the property damage that is occurring. An example is large agricultural areas that cannot be practically protected from bear damage. The depredation permit would allow a landowner or lessee to take action to directly reduce the property damage that is occurring by lethally removing the bear if deterrent methods did not work and the FWC has not been successful in trapping and removing the offending animal.

There are a few minor changes that are intended to clean up the rule and make the language less redundant and more understandable.

Lastly, if directed to proceed with these draft rule changes, staff will develop guidance and procedures that will be posted on our web site (www.MyFWC.com) and referenced in the rule.

Proposed changes to the rule are as follows, with deletions in ~~strikethrough~~ and additions underlined:

68A-4.009 ~~Florida~~ Black Bear Conservation Rule

(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.

(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 bear property damage. For purposes of this rule, ~~a scientific or~~

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~~conservation purpose shall mean activities that are eligible for 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~~

(b) ~~Taking Removing~~ bears from situations that constitute a human safety risk or a risk to the well being of the bear; ~~and~~

(c) Taking bears that are causing property damage when no non-lethal options can provide practical resolution to the damage, and the Commission is unable to capture the bear. The bear depredation permit program will operate as described in FWC policy and procedures at <http://www.MyFWC.com/bear>.

(3) 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://www.MyFWC.com/bear/>.