



## Agenda Item 11B – April 15<sup>th</sup>, 2015

### **Bear Depredation Permit Program**

#### POLICY AND PROCEDURES

#### FOR THE BEAR DEPREDATION PERMIT PROGRAM

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

620 SOUTH MERIDIAN STREET 6B, TALLAHASSEE, FLORIDA 32399

(850) 922-4330

The Florida Fish and Wildlife Conservation Commission (FWC) policy and procedures for the bear depredation permit program are explained in this document and are meant to provide for consistent, responsive technical assistance to landowners or their lessees seeking to reduce bear damage to their property. These policies and procedures implement Rule 68A-4.009, Florida Administrative Code (F.A.C.).

### **POLICY**

The FWC Area Bear Biologist responsible for the area in which damage to property is occurring shall coordinate the implementation and administration of the bear depredation permit program for the FWC. Bear depredation permits shall be issued consistent with Rules 68-1.010 and 68A-4.009 F.A.C.

As stated in Rule 68A-4.009(2)(c), F.A.C., the bear depredation permit will only be issued when: 1) damage to property is occurring, 2) there are no other practical or reasonable alternatives for controlling the damage, and 3) the FWC is unable to capture the bear that is damaging the property after four nights of trapping efforts.

Permits may be obtained by the landowner, or the lessee of property with written authorization from the landowner, by contacting the appropriate FWC Regional Office and initiating the bear depredation permit application process. A bear may be taken by the permittee or the permittee's designees with written authorization from the permittee only at the permitted site where property damage is occurring.

One bear may be taken under a permit. In the event that damage persists after taking one bear, the permittee can contact the appropriate FWC Regional Office to request an amendment to the permit to allow additional bears to be taken on their permit. Permits are valid for 30 days and only so long as property damage is occurring. A bear may be taken during daylight hours or with the aid of a light at night and only with either rifles of .25 caliber or larger or shotguns using slugs. The permittee shall contact the FWC within 12 hours of taking a bear, or in the event the permittee believes they may have injured a bear in an effort to take a bear, but has not recovered the bear. A bear taken under this permit may not be removed from the permitted property or possessed.

Permits will not be issued for damage associated with any feeding devices used to attract wildlife or in fields with agricultural plantings intended to attract wildlife or on any land upon which corn, wheat, grain or any food substance has been deposited by other than normal agriculture harvesting or planting.

FWC employees shall not self-issue bear depredation permits for properties they own or lease. Under such circumstances, permits shall be issued by the appropriate FWC Regional Director.

### **PROCEDURE FOR APPLICATION AND REVIEW**

1. A landowner or lessee with the written authorization from the landowner who is experiencing damage to property caused by a bear may apply for a bear depredation permit. Applications may be obtained by contacting the appropriate FWC Regional Office. Upon receipt of a completed application, the FWC Regional Office shall forward the application to the FWC Area Bear Biologist, who will either conduct a site inspection of the property damage themselves or assign it to a Bear Response Contractor. Site inspections are not required when the permit request is for property that has already been inspected that same calendar year.
2. The FWC Area Bear Biologist or Bear Response Contractor assigned a bear depredation permit site inspection shall contact the applicant as soon as possible and set up a meeting at the property damage site, preferably within two business days of receiving a completed application. A landowner or lessee of the property must provide driving directions from the nearest town to the property being damaged.
3. Before a depredation permit can be issued, the FWC will assess the situation to determine if there are any other feasible methods to resolve the conflict. If there are no other feasible methods available, the FWC will attempt to capture the offending bear. If after four trap nights the bear is not captured, the bear depredation permit can be considered for issuance.
4. The FWC Area Bear Biologist or Bear Response Contractor assigned bear depredation permit site inspections and the applicant shall meet at the site of the property damage. The FWC Area Bear Biologist or Bear Response Contractor will inspect the site and determine if bear damage is occurring. If a Bear Response Contractor is assigned a bear depredation permit site inspection, they shall notify the FWC Area Bear Biologist immediately once the field inspection is complete to communicate whether damage is occurring, if options other than lethal control are feasible, and what evidence the Bear Response Contractor found to support those determinations.
5. The FWC Area Bear Biologist will consider the history of depredation activity on the property described in the application and bear activity occurring in the area surrounding that property when making their recommendation to the FWC Regional Biologist on whether to approve or deny a bear depredation permit application.
6. If property damage caused by a bear is not occurring, the application will be denied.
7. If executing this permit could present a risk to public safety due to conditions on or adjacent to the applicant's property, the application will be denied.

8. If damage is occurring, the FWC Area Bear Biologist or Bear Response Contractor assigned the bear depredation permit site inspection will discuss alternatives to the bear depredation permit with the applicant to include educating the requester on other means of resolving the conflict, such as harassment, electric fencing or other deterrents. If these methods are not feasible or ineffective, then the FWC Area Bear Biologist or Bear Response Contractor will undertake four nights of trapping effort in an attempt to remove the bear. If the bear is captured, the permit application will be denied. If the bear is not captured, the permit can be considered for issuance.

9. The FWC Regional Biologist shall then determine whether to issue or deny the permit. Applicants shall receive a written decision from FWC granting or denying the application which will outline the appeal process and advise them that they may reapply for a permit any time property damage caused by a bear is occurring.

If a permit is issued, it will contain the following permit conditions and provisions:

#### **PERMIT CONDITIONS AND PROVISIONS**

1. This permit authorizes the taking of a bear at the permitted site only where the bear is damaging property.
2. Knowingly taking an adult female black bear with dependent cubs between January 1 and August 1 is prohibited.
3. A bear may be taken under this permit by the permittee or his or her designees. The permittee may designate any number of assistants to take a bear under this permit. Designees must have written authorization from the permittee and a copy of the permit in their possession when attempting to take the bear.
4. Taking a bear under this permit on lands where any corn, wheat, grain or any food substance that has been deposited for other than normal agriculture harvesting or planting is prohibited.
5. On each day either the permittee or permittee's designated assistant(s) will attempt to take a bear, the permittee or designated assistant(s) shall notify the FWC by calling 1-888-404-3922 and advising FWC staff of the name of the permittee and all of the designees who will be attempting to take a bear under this permit along with the exact location where the attempted take will occur.
6. A bear taken under this permit may not be removed from the permitted property. The bear will be retrieved by a FWC law enforcement officer, FWC Area Bear Biologist, or Bear Response Contractor.
7. The Permittee by signature above confirms that representatives of the Commission have his/her permission as the Permittee, and that of the landowner(s) to enter on and inspect the property(ies) described in the application

(herein incorporated by reference) for all reasonable purposes pertaining to permit provisions and applicable Commission rules.

8. The landowner or permittee shall not accept any compensation of any kind, either directly or indirectly, in exchange for authorizing an individual to engage in the activities allowed under this permit.

9. By accepting this permit and conducting the activities authorized herein, the permittee and his or her designee(s) agree to assume liability for any and all damages, costs or losses resulting from said activities and further agrees to save and hold the FWC and its employees and contractors harmless from any and all liability, costs or damage resulting from said activities.

10. This permit is intended to provide temporary relief from damage to property caused by a bear. It is incumbent upon the permittee to seek more long-range means of eliminating damage in the future. The extent of use of any long-range means will be considered in any future applications.

11. This permit does not supersede any federal, state, or local firearm regulation.

12. This permit is subject to revocation at any time pursuant to Chapter 120, Florida Statutes.

13. Bear may be taken at night with the aid of a light or during the day. Rifles of .25 caliber or larger or shotguns using slugs shall be the only type of firearms and ammunition used for taking bear under this permit.

14. The permittee or his or her designees shall make all reasonable efforts to retrieve any bear that has been wounded or killed as a result of their attempt to take a bear under this permit.

A person whose substantial interests are affected by the FWC's action may petition for an administrative proceeding under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a review of the FWC's action shall file a petition with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and chapter 28-106, Florida Administrative Code. If the FWC receives such a petition seeking review of this permit, the FWC will notify the permittee. Upon such notification, the permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.