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# Revisions to Bear-related Rules

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Florida Fish and Wildlife Conservation Commission  
Division of Habitat and Species Conservation

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

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# Comprehensive Approach

- Habitat Conservation
  - ✓ Wildlife Management Areas and other public conservation lands
  - ✓ Connectivity via underpasses and greenways
  - ✓ Agency commenting on land use
- Population Management
  - ✓ Bear demographic studies
  - ✓ Monitor mortality
  - ✓ Statewide population assessments and range update
  - ✓ Hunting as possible option
- Human- Bear Conflict
  - ✓ Remove bears that pose public safety threat
  - ✓ Attractant management (garbage)
  - ✓ Feeding rule and penalties
  - ✓ Hazing options
  - ✓ Depredation permit option
- Education and Outreach
  - ✓ partner with local communities
  - ✓ Website and materials
  - ✓ Bear curriculum



The Florida Fish and Wildlife Conservation Commission (FWC) is responsible for managing bears in Florida. Agency efforts are directed by policies and actions set forth in FWC's Florida Black Bear Management Plan, which was approved in 2012. The overall approach is multi-pronged and focuses on maintaining bear populations at healthy levels while ensuring public safety, use, and enjoyment of the bear resource. Human safety is the agency's paramount priority and the agency's approach to human-bear conflicts can be broken down into core short- and long-term components, which deal with addressing immediate safety issues and addressing food attractants and population management for the long-term. Many of these issues, particularly comprehensive waste management, go far beyond the ability of FWC to handle alone. We all must share in the responsibility to manage human-bear conflicts effectively.

## Requesting Commission Action

- Final approval of Rule Amendments as advertised:
  - ✓ Bear Conservation Rule 68A-4.009
- Approval of a “Notice of Change” for:
  - ✓ Bear, Fox, and Raccoon Feeding Rule 68A-4.001(3)
- Approve policy position:
  - ✓ Comprehensive Waste Management Policy Paper
  - ✓ Commission Resolution



In this presentation, FWC staff is requesting Commission approval of final rule amendments to the Bear Feeding and the Bear Conservation rules, which include a Bear Depredation Permit Program. In addition, staff will provide a Comprehensive Waste Management Policy Paper and resolution as directed by the Commission in February.

## Feeding Rule Changes

- Remove 'black bear' from the list of species
- Add 'coyote' to the list of species
- Modify the 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. The new subsection differentiates (a) intentional and (b) unintentional feeding to increase clarification, and a written notification is required before a citation is issued for unintentional feeding.

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

## Bear Conservation Rule Changes

- Remove 'Florida' from all bear references
- Remove duplicative language
- Remove need for permit to scare 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. Staff created a guidance document as a companion to this rule change to provide clarification as to what methods are allowed and when it is appropriate to scare bears.

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, 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.

## Public Comments

- Feeding Rule
  - ✓ Separate rule for bears will help reduce conflicts
  - ✓ Provide improved clarity on feeding
  - ✓ Important to move forward
- Bear Conservation Rule
  - ✓ Overall support for changes
  - ✓ Some concern over public harassment and  
depredation options



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.

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.

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). Most people were supportive of the depredation permit program. Some people expressed concern over the use of public harassment of bears as well as the use of depredation permits.

## Human- Bear Conflicts Update

- 1,734 calls
- 285 site visits
- 204 law enforcement visits
- 63 bear captures
  - ✓ 51 bears killed for conflict
  - ✓ 7 bears euthanized for non-conflict
  - ✓ 5 bears relocated



The FWC receives calls and responds in the field to complaints regarding bears by visiting residential and commercial areas to determine the cause of the conflict and provide advice on how to resolve the issue. When FWC learns of bears that pose a public safety threat, staff will set traps to capture and remove the bear. These conflict bears are killed. Other, non-conflict, bears are euthanized due to injury from collisions with cars or other situations where the bear is not causing problems, but is too injured to release or leave in the wild. Some bears that wind up in unusual circumstances and do not pose a safety risk may be relocated to more appropriate areas.

The most significant factor in these human- bear conflicts is human-provided foods and attractants that lure bears into human use areas.

# Waste Management Policy Paper and Resolution



As directed by Commissioners in February, staff has developed a policy paper on the need for comprehensive waste management to reduce human-bear conflicts. The report and accompanying resolution is available for finalization at today's meeting. Commission approval of and help in implementing the actions in the policy paper will be critical to success.

## Overview

- Affirms role of FWC in managing bears
- Identifies waste management as the most important issue for reducing conflict bears
- Asks local governments and waste management companies to work with FWC on ensuring garbage is secured



The policy paper lays out the issue of human bear conflicts. It describes the actions we have taken so far, what works and what doesn't in eliminating attractants in developed areas. We also looked at similar programs in other states with bear conflicts and what they do to address this problem. We looked at various ordinances from other states and provinces as well. There are several success stories in other states and in Florida and we will show you a few of those today. We will then provide some next steps for moving this issue forward.

## Becoming Bear Wise

- Active Community Education and Involvement
- Proper Garbage Handling
- Codified Ordinances/ Covenants/ Bylaws
- Enforcement of covenants



Bear Wise is currently being promoted by both the Northeastern and Southeastern Associations of Fish and Wildlife Agencies as a region-wide initiative, which would result in all citizens east of the Mississippi River being familiar with bear management issues and solutions under one common program.

## Success Stories- It Works!

- At least 16 communities in the US have ordinances requiring bear wise approaches
- Multiple municipalities in Colorado, California, and Alaska
- Canadian Cities have ordinances as well

	Bear Interactions Before	Bear Interactions After	Reduction
Retrofitted Trashcans	71%	32%	55%
Bear-Resistant Trashcans	97%	5%	95%



There are many examples across North America, including in Florida, where municipalities have enacted ordinances to keep waste secure from bears

## Gatlinburg, Tennessee

- Gateway to Great Smokey Mountains NP
- 1997 had increase in bear conflicts
- Implemented ordinance to secure trash
- Provided enforcement & education
- Trap and haze problem bears



Gatlinburg, Tennessee is the Gateway to the Great Smokey Mountain National Park

In 1997, a massive natural food failure occurred which caused a dramatic increase in the number of bears accessing unsecured garbage and other foods in town. After many bears were killed by local officials for conflict behavior in town, local residents and visitors contacted the Tennessee Wildlife Resources Agency (TWRA) and the Park asking for alternative measures to reduce human-bear conflicts. In 1998, TWRA, National Park Service, and city officials developed a cooperative effort to reduce conflicts. The town passed an ordinance requiring trash be secured, and the three entities hired a person to enforce the ordinance, trap and scare bears out of town, and educate the public on how to avoid conflicts.

While black bears continue to wander into town on occasion, the ordinance, enforcement, and educational efforts have resulted in a dramatic decrease in the number of human-bear conflicts in the town that some refer to as 'The Bear Capital of the World'.

## Hurlburt Air Field, Okaloosa County, Florida

- Bear-resistant residential/commercial containers provided
- Required use of containers
- On-going education for residents and staff on base
- Trained security on response to bear conflict situations



Hurlburt Air Field is the home of the U.S. Air Force's 1st Special Operations Wing and Special Operations Command. Over 15,000 active duty military members, families and civilians live and work on the base. The base also had high quality black bear habitat, as well as sources of human-provided foods like unsecured garbage.

In 2008, the Base's Natural Resources Manager (NRM) Kristal Walsh got together with the FWC to develop a comprehensive approach to reduce human-bear conflicts. The NRM worked with Civil Engineering and base housing to replace all regular residential trashcans and commercial dumpsters with bear-resistant models, and require all base personnel to use the bear-resistant trashcans and keep food from bears. NRM initiated a comprehensive educational effort and with FWC help reach an average of 3,000 people on base each year through community festivals and civic group meetings. Each month about 100 airmen and their families learn about how to avoid conflicts with bears as part of their Base orientation classes. FWC and NRM trained over 150 base security personnel on how to respond to bear conflicts on Base.

As a result of those combined actions, **human-bear conflicts declined by 70%** by 2011. The FWC presented the Base an award for their efforts, recognizing them as the first Bear Wise Base in Florida.

## Wingfield North HOA, Seminole County

- Location of bear attack in December 2013
- Bylaws require use of bear resistant cans and other practices for all residents
- Use of warnings and citations to enforce the bylaws



Wingfield North is a community of 115 homes on one acre or larger lots in the Wekiva River Basin. The area is heavily wooded with ponds and conservation areas, and is adjacent to Wekiva River State Park.

On December 3, 2013, a woman was attacked by a black bear in Longwood within the Wingfield North community. Bears in this community had become so used to people that, in this case, a female bear with cubs allowed a woman to approach, then lashed out causing serious injuries. The Wingfield North Homeowner's Association reached out to the FWC asking what they could do to reduce human-bear conflicts and prevent this sort of situation from recurring. The FWC advised that the best way to reduce conflicts on a community wide basis is to require all residents to keep their trash and other attractants secure.

In July 2014, the neighborhood association board passed their own bylaws to keep residents from attracting bears into the community. The Association also purchased bear-resistant trashcans for all of their residents and required their proper use. The Association has a warning and citation system in place to ensure proper compliance with their bylaws.

# Shared Responsibility

## FWC Role

- Educate the public
- Provide technical assistance
- Remove conflict bears
- Manage bear populations
- Enforce feeding prohibitions
- Work with communities on being Bear Wise

## Local Role

- Ensure methods to secure garbage are available
- Enact ordinances, covenants, or bylaws
- Monitor and enforce for compliance
- Work with FWC on being Bear Wise



The FWC will continue to perform in its role to educate the public, provide technical assistance, remove conflict bears, manage bear populations, and enforce feeding prohibitions. However, the problem of unsecured waste needs to be addressed comprehensively at the appropriate scale. The best approach brings together locally-elected officials and local government staff, along with waste service companies, to work together with FWC to resolve the problem in a cost-effective manner at a large scale.

In this regard, the FWC is asking local governments in areas with frequent human-bear conflicts to do the following. Ensure their residents and businesses have access to multiple methods of securing garbage and other bear attractants. If these methods require additional costs to residents and businesses, the local government should negotiate with their waste management provider to offer these at the most reasonable price possible. Enact ordinances, covenants, or bylaws at the appropriate level that would require residents and businesses keep their garbage and other bear attractants secure. Have an enforcement mechanism in place to address non-compliance with requirements to keep garbage and other bear attractants secure.

The resolution and policy paper on waste management will give staff clear direction on working at a larger scale with local governments and waste

management companies. Staff will coordinate with individual Commissioners to obtain their assistance in these efforts.



This slide builds off of the wildlife conflict policy area that Commissioners discussed previously. Bears fit this “Leaning J” concept well.

- The first part of the curve is **Little or no management**. In the early centuries as Florida was settled bears numbered around 11,000 statewide and were over exploited and hunted indiscriminately, which led to the bear becoming rare and almost extirpated from Florida.
- Then came the **recovery management** phase. In 1974 the state listed the bear as threatened with populations estimated as low as 300 – 500 bears. Hunting was closed in all but 3 counties until 1994 when the season was closed state-wide. With protection and improved habitats, bear populations began to rebound and bears become more numerous. In 2002, the statewide population was estimated at 3,000 bears. The bear was removed from the state threatened list in 2012, when the current bear management plan was approved.
- As bear numbers have grown over the past decade and human population has increased, we entered the next phase of management, which is **conflict management**. In recent years conflict has increased dramatically. Bear calls have increased 400% over the last decade. We are striving for sustainable coexistence, and look forward to working with you to see what next steps we might take.
- Where we are right now on this curve is subject to individual interpretation, but recent events suggest somewhere squarely in the conflict management zone. The actions requested in this staff presentation seek to help move the system beyond conflict management and into sustainable coexistence that promotes the conservation of bears while ensuring human safety.

## Commission Action

- Approve Final Proposed Rule Amendments:
  - ✓ Bear Conservation Rule 68A-4.009
  
- Approve “Notice of Change”
  - ✓ Bear, Fox, and Raccoon Feeding Rule 68A-4.001
  
- Approve policy position
  - ✓ Sign Waste Management Resolution
  - ✓ Approve waste management policy paper



FWC staff requests Commission approval of final rule amendments to the Bear Conservation rule (68A-4.000). Approval to publish a Notice of Change for 68A-4.001 is also being requested. Finally staff requests approval of the waste management policy paper and signature of the waste management resolution. If approved, all rules would become effective as soon as possible.

**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) (a) Intentionally feeding bears is prohibited except as provided for in this Title.

b) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage that attracts bears and is likely to create or creates a nuisance is prohibited after receiving prior written notification from the Commission.



Staff is requesting final approval of proposed changes to wildlife feeding prohibitions under Administrative Code Rule 68A-4.001. The proposed amendments would:

Add 'coyotes' to the list of species in 68A-4.001(3). Remove 'black bears' from the list of species in 68A-4.001(3). Black bears will have their own species-specific feeding prohibition that will differ from 68A-4.001(3) and specifically prohibit feeding of black bears.

Add a new subsection (4) to 68A-4.001 using current subsection (3) language but with the following changes:

Only applies to black bears

The new subsection differentiates (a) intentional and (b) unintentional feeding to increase clarification and requires a written notification for unintentional feeding prior to a citation being issued.

The new subsection exempts the intentional feeding prohibition from other rules related to bear feeding in Title 68-A.

Re-number subsequent subsections accordingly.

## **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



## Public Engagement (as of 5/22/15)

- Online website: >1,000 comments
- 2 Petitions: >35,000 signatures
- 2 sets of 'form letter' emails: > 6,000
- Calls, original emails, and letters
  - >275 calls
  - >500 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 and April Commission Meeting. This slide presents the total feedback since January 2015.