



Tracking Number: (\_\_\_\_\_)

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov).

## **SECTION I: Required Information.**

*Please be succinct. Responses for Section I should not exceed five pages*

### **1. Person or organization requesting the change (Required)**

Name of primary contact person: Sabrina Ashjian, California State Director, The Humane Society of the United States

Address: 5021 Verdugo Way Suite 105, Box 159, Camarillo, CA 93012

Telephone number: 916-662-2019

Email address: [sashjian@humanesociety.org](mailto:sashjian@humanesociety.org)

### **2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested:**

Cal. Fish & Game Code §§ 200, 203, 203.1, 302.

### **3. Overview (Required) - Summarize the proposed changes to regulations:**

We request that the California Fish and Game Commission ("Commission") amend existing black bear (*Ursus americanus*) hunting regulations to eliminate open hunting season until (1) an empirical study is conducted of the state's black bear populations, (2) the effects of drought and recent wildfires on the state's bear populations are adequately studied, and (3) the state's bear management plan is updated to include the best available science, including social science.

### **4. Rationale (Required) - Describe the problem and the reason for the proposed change:**

As detailed more fully in the letter included as Attachment A, we are gravely concerned about the status of California's black bear population given the numerous threats these bears face and recent data released by the Department of Fish and Wildlife ("DFW") indicating a steep decline in the state's bear population. We therefore request that the Commission take urgent regulatory action to protect black bears.



Black bears in California are threatened by numerous factors. To start, California has experienced record-level fires and drought in recent years. In 2021 alone, more than three million acres burned from intense wildfires. Yet, to date, DFW has not analyzed the effects these fires—and future fires— or California’s well-documented drought will have on the state’s black bears, their food sources, or their habitats. Climate change exacerbates these issues and poses a further threat to bears both because erratic weather events limit the availability of natural foods and because warmer weather causes bears to spend less time in their dens, increasing the potential for human-wildlife conflict. As a result, bear biologists warn we must do more to avoid attracting bears to human food sources by implementing bear-aware campaigns, but we should certainly not increase bear mortalities to reduce conflicts. Killing bears to reduce conflict risks extirpating local populations *and* multiple studies warn that hunting bears does nothing to reduce conflicts with them.

Human persecution of bears, such as through hunting and predator control, not only does not stop human-bear conflict, it also threatens these animals because it causes “super-additive” mortality, meaning that kill rates exceed mortalities that would occur naturally. This is because hunters typically target adult breeding animals, which disrupts animals’ social structure and leads to indirect effects, particularly increased infanticide resulting in decreased recruitment of young. Because bears are slow to reproduce, compared to other mammals, this super-additive mortality can be especially devastating to bear populations. Another form of human persecution, poaching, is of major concern in California; the current bear management plan suggests that poaching numbers equal that of legal killings in some areas of the state.

In the face of these threats to bears, we are alarmed by worrisome indications of a steep decline in California’s black bear population. In late October 2021, DFW posted its black bear “take” reports for the years 2017, 2018, 2019 and 2020. In the 2020 report, the agency suggests that the black bear population is 15,934 ( $\pm 6,163$ ), a marked decrease from the estimated population of 30,000-40,000 that DFW has suggested for years. DFW now believes that the California bear population could be as low as 9,771 individuals, which would indicate a 67% decline in the number of bears from the previously reported lowest population range of 30,000 bears.

Equally troublesome is DFW’s unempirical approach to estimating the state’s bear population. Although many large-carnivore biologists recognize that using kill levels to estimate bear populations is unreliable, DFW uses the number of hunted bears to approximate the live bear population in the state. In other words, DFW has no empirically based estimate of the state’s bear population. What we do know is that the numbers of black bears killed annually is in decline while the number of bear hunters themselves has increased with a record 30,388 in 2020, providing further indication that the state’s bear population is declining.

Under California’s Constitution and the Fish and Game Code, the Commission has a clear obligation to provide for the conservation of the state’s wildlife. California’s Constitution creates the Commission and gives the California legislature the authority to “delegate to the commission such powers relating to the *protection and propagation of fish and game*” as the legislature sees fit. Cal. Const. art. IV, § 20 (emphasis added). The legislature has accordingly granted the Commission “the power to regulate the taking or possession of . . . mammals.” Cal. Fish & Game Code § 200. More specifically, the Commission has regulatory authority to “establish, extend, shorten, or abolish open seasons and closed seasons” for game mammals,



such as black bears. *Id.* § 203. The legislature has provided specific factors that the Commission must consider when adopting such regulations, including “populations, habitat, food supplies, the welfare of individual animals, and other pertinent facts and testimony.” *Id.* § 203.1.

Further, the Commission has specific obligations with respect to its regulation of the black bear hunting season. The Commission must “annually determine whether to continue, repeal, or amend regulations establishing hunting seasons for black bears.” *Id.* § 302. This determination “shall include a review of factors which impact the health and viability of the black bear population.” *Id.*

Given the threats California black bears face and the indications of their population decline—factors that the Commission is *required* to consider in making its annual determination of whether to continue the black bear hunting season—we ask the Commission to eliminate the season until (1) an empirical study is conducted of the state’s black bear populations, (2) the effects of drought and recent wildfires on the state’s bear populations are adequately studied, and (3) the state’s bear management plan is updated to include the best available science, including social science. More specifically, the updated bear management plan should also consider the additional effects from climate change, including stochastic weather events (late freezes affecting mast crops), insect-borne diseases and parasites, sexually selected infanticide resulting from human persecution, and it should include plans to prevent human-bear conflicts, such as through bear-smart or bear-aware campaigns.

Our request to suspend bear hunting season until these conditions are met is not only consistent with the Commission’s legal obligations, it also honors the will of the people of California—70% of California voters do not want black bears killed for sport.

**SECTION II: Optional Information**

5. **Date of Petition:** December 10, 2021

6. **Category of Proposed Change**

- Sport Fishing
- Commercial Fishing
- Hunting
- Other, please specify:

7. **The proposal is to:** *(To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)*

- Amend Title 14 Section(s): 365, 366, see Attachment B for proposed revisions
- Add New Title 14 Section(s):
- Repeal Title 14 Section(s):

8. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition**   
Or  Not applicable.



- 9. Effective date:** If applicable, identify the desired effective date of the regulation. If the proposed change requires immediate implementation, explain the nature of the emergency:

We ask that the requested regulatory changes take effect on or before August 1, 2022.

- 10. Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents:

Please see Attachment A, which is a letter detailing the evidence of a steep population decline in California’s black bear population and the current threats these animals face. The letter includes reference to supporting authorities.

Full-text PDF copies of all studies cited in Attachment A are available here:

[https://drive.google.com/drive/folders/1pIGuZv7AFpK\\_NePEPsoL-SELDYrtrSPd?usp=sharing](https://drive.google.com/drive/folders/1pIGuZv7AFpK_NePEPsoL-SELDYrtrSPd?usp=sharing)

We can provide copies of individual studies via email upon request.

- 11. Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing:

The Department may see a modest decrease in revenue because it will not receive fees for the issuance of bear license tags while the open season is eliminated.

- 12. Forms:** If applicable, list any forms to be created, amended or repealed:

[Click here to enter text. ]

**SECTION 3: FGC Staff Only**

Date received: [Click here to enter text. ]

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: \_\_\_\_\_

Meeting date for FGC consideration: \_\_\_\_\_

FGC action:

- Denied by FGC
- Denied - same as petition \_\_\_\_\_
- Granted for consideration of regulation change

Tracking Number