

To: Department of Fish and Wildlife Staff

Subject: Black Bear Policy in California: Public Safety, Depredation, Conflict, and Animal Welfare

Executive Summary

The purpose of this policy is to describe the Department's response, methods, and decision-making processes in managing human/bear conflicts in California. The last time the Department holistically reviewed and updated its various bear policies was in 2000. Good wildlife management requires periodic review and update of policies to ensure adaptive improvements are made based on sound science. A review at this time is also prudent because human/wildlife interactions are increasing, requiring greater staff time in the areas of management and response in the field when interactions occur. As interactions increase, general public engagement with the Department on human/bear conflicts does too.

The major point of this policy update is to clarify categories of human/bear conflicts the Department and citizens experience and provide guidance to staff and the public how such categories will be handled. While the following policy describes a comprehensive range of different situations, the core types of human/bear conflicts are: (1) public safety; (2) property damage; and, (3) continued human/bear interactions where the individual bear(s) have become habituated to human food sources, which increases risk of conflict. The Department's updated policy seeks to improve management in each of these core situational categories, provide clarity to staff and the public, and present a comprehensive humane set of strategies and actions.

This policy applies statewide although defined sections are specific to the Lake Tahoe Basin.

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The organization of the policy is presented here to allow readers to go directly to a specific section.

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Overview and Background

Black bears are an important component of California's ecosystem and a valuable resource for the people of California. They are also one of the species most frequently involved in human/wildlife conflict throughout the state. In many areas, their natural behavior, foraging habits, distribution, and numbers have been altered by human encroachment and access to anthropogenic food sources, which may lead to altered behaviors resulting in decreased fear of people and increasing incidents of human/bear conflict.

This dynamic is particularly pronounced in the wildland-urban interface where human decisions about food and garbage can put both people and bears at risk. The Department recognizes this situation and seeks to avoid and minimize these conflicts by implementing measures to shift the behavior of bears back to their natural use of habitats and fear of humans, and to address concerns of public safety, public responsibility, animal welfare, and wildlife conservation. The Department is committed to addressing human behaviors that reduce the likelihood of keeping bears wild. Outreach on these behaviors can be found on the Department's [Keep Me Wild](#) webpage. A summary of the Department's outreach and education efforts is provided at the end of the policy in section 7.0.

This policy supersedes the following documents: Public Safety Wildlife Guidelines 2072 (for bears), Statewide Black Bear Policy 2071, Black Bear and Human Interactions Policy, Criteria for Taking Management Bears, and California Department of Fish and Wildlife North Central Region Lake Tahoe Basin Bear Management Guidance. It provides information and guidance to the public and Department staff responding to human/bear conflicts or welfare bear incidents.

Upon the effective date above, the policy will be implemented by Department staff for the purposes of providing a consistent approach to bear management in California. The policy will be reviewed and evaluated on an ongoing basis to provide the most up to date guidelines for bear management in California. Long-term success must involve collaboration with local entities and citizens with a common commitment to preventive approaches to bear conflict, such as the use of bear-proof garbage containers. As these relationships evolve, this policy will be updated. Upon revision and executive approval, the effective date will be updated to reflect a new date consistent with the revisions.

Definitions

Animal Welfare: There is no universally accepted definition of animal welfare. For the purpose of this policy animal welfare is the physical, psychological, social, and environmental well-being of an animal. It is the Department's responsibility to consider animal welfare, within the context of population, ecosystem, and public health and safety, whenever managing bears. These considerations can be complex, subjective, and at times contradictory especially when applied to free-ranging, native wildlife. In implementing this policy the Department will follow Department Bulletin Number 2018-02 Department of Fish and Wildlife Animal Welfare Policy.

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Conflict Bear: A bear that requires action by the Department or the public due to its behavior or its situation. Included in this category are No Harm/No Foul bears, habituated bears, and animal welfare bears. Implicit in this definition is that a range of types of Conflict Bears creates a range of possible management actions.

Depredation Bear: A bear that is threatening to, damaging, or destroying property for which a revocable depredation permit has been requested and can be issued in accordance with the Fish and Game Code.

Habituated Bear: A bear that shows little to no overt reaction to people as a result of being repeatedly exposed to anthropogenic stimuli without substantial consequence.

Hazing: A technique where deterrents are administered to a bear to immediately modify the bear's undesirable behavior. Techniques may include, but are not limited to, use of pyrotechnics, noise makers, non-lethal projectiles, paint ball, scent deterrent, and dogs.

Incident: A bear has, or is likely to, damage property, pose or become a public safety threat, or be in danger of not being able to return safely to appropriate habitat given its location or health status.

No Harm/No Foul Bear: A bear that has strayed into an area where an incident could occur, has not engaged in nuisance activity or caused property damage, and may require assistance to return to nearby suitable habitat.

Orphaned Bear Cub: A cub of the year that is unable to survive in the wild without intervention, and is not associated with a sow.

Orphaned Yearling Bear: A bear in its second calendar year of life, after January 1 but before July, that is unable to survive in the wild without intervention, and is not associated with a sow.

Public Safety Bear: A bear demonstrating aggressive action that has resulted in physical contact with a human; or a bear exhibiting an immediate threat to public health and safety, given the totality of the circumstances. Immediate threat refers to a bear that exhibits one or more aggressive behaviors directed toward a person that is not reasonably believed to be due to the presence of responders. Public safety includes situations where a bear remains a threat despite efforts to allow or encourage it through active means to leave the area.

Rehabilitation: Captive care or treatment of a welfare bear with the goal of returning the animal to the wild after it has recovered and is able to live independently.

Relocation: A situation in which a bear is trapped/captured and moved to suitable habitat. Relocation bears must be tagged or otherwise identified in a persistent and distinctive manner and collared if feasible.

Response Guidance Team (RGT): Group consisting of the Regional Manager (RM), Chief of Wildlife Branch (CWLB), Chief of Law Enforcement Division (CLED), Deputy Chief of

Law Enforcement Division (DCLED), Deputy Director of the Wildlife and Fisheries Division (DDWFD), the Wildlife Health Lab (WHL) Environmental Program Manager (EPM), Assistant Chief (AC) of Law Enforcement where the incident is occurring, the Deputy Director of the Office of Communications, Education, and Outreach (OCEO) or their named designees who are available to evaluate a situation and provide personnel to assist as needed in conflict situations.

Take: means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Welfare Bear: An orphaned, sick, or injured bear that may require veterinary care.

1.0 Incident Response

Three types of bear incidents require Department response: Public Safety Bear, Depredation Bear, and Conflict Bear. For non-public safety incidents, the regional wildlife program is the lead and is expected to respond within 48 hours. For the Department, LED is the only entity that can designate a Public Safety Bear. LED will respond to Public Safety Bears appropriately. If necessary, additional assistance can be requested through the appropriate chain of command. The type and level of response will be consistent with the reported incident (*i.e.*, public safety, depredation, conflict).

If an Incident Command System (ICS) is established for a bear incident, the incident commander's directives will be followed by all on-site employees. For most incidents, regional wildlife program staff or LED personnel will respond to the incident and provide detailed information about the incident to their chain of command. All incidents are to be documented through the Department's online Wildlife Incident Reporting (WIR) system. Incidents can be handled by regional wildlife program staff or LED personnel, unless either the AC or EPM deems the circumstances require executive input. In Conflict Bear incidents where management options have been exhausted, the decision to remove the bear from the population (*i.e.*, lethally taken, relocated, or captured for long-term captivity), **may only be made by the RM or RGT**. Specific decision authority is described below.

Experience shows that internal and external communication is important to enhancing the public's understanding of bear and human conflicts. A communication plan should be developed within the Incident Response depending on circumstances surrounding the incident. RGT communication will be conducted by any means available including phone, email, and other information technology-based communication platforms. OCEO is part of the RGT and will designate a single point-of-contact for media calls. OCEO will be responsible for information dissemination to the media and public as necessary.

As soon as possible but not later than 48 hours after receiving a report of a bear incident from a Reporting Party (RP), the initial staff receiving the report shall enter the required information into the WIR system and assess such information to determine if it requires further action. The assessment will include consideration of whether the animal could become a depredation or potential human/bear conflict. Volunteers or seasonal staff may

be assigned to respond to reports of sightings where the RP does not indicate the existence of any potential or actual threat to public health and safety. Appropriate responses may be either by phone or email directly to the RP and shall emphasize non-lethal measures to prevent a human/bear conflict (*e.g. Keep Me Wild*).

2.0 Public Safety Bear Response

The Department's foremost consideration is the protection of human life. Responding to public safety wildlife incidents are a priority for the Department, and a Public Safety Bear shall be humanely euthanized as quickly as possible by a Department official or a peace officer.

A Public Safety Bear as defined above and determined by LED or a law enforcement officer from a law enforcement agency, may be lethally taken at any time. Law enforcement officers from a law enforcement agency outside the Department are authorized to deem a bear a public safety situation. For the Department, only LED may make such a determination. If reasonable, before the bear is taken, the regional or LED chain of command will be notified and will provide detailed information to region, LED, WHL, and executive. The bear carcass will be handled to preserve evidence and submitted through the WHL to a California Animal and Food Safety (CAHFS) Laboratory for a full public safety postmortem workup following WHL and CAHFS protocols.

For incidents where the bear is determined to be an imminent threat to the public, but cannot be immediately located for euthanasia, an ICS will be established. The ICS will remain active until the Incident Commander determines an immediate threat to the public no longer exists.

In cases where extenuating circumstances indicate another attack is unlikely or the initial attack was provoked, the AC will collaborate with the RM. They may recommend to the RGT that the bear is no longer a public safety threat and allow management options other than euthanasia. Any decision to cease capture efforts will be made by the AC after consultation through the LED chain of command and with the RGT.

Refer to Appendix A of the policy for a step-wise process for public safety wildlife responses when there is no attack on a human and also for response when there is an attack on a human.

3.0 Depredation Bear Response

Depredation within this policy means damage caused to personal property by bears. Fish and Game Code section 4181 and regulations (Cal. Code Regs., tit. 14, § 401) provide for issuance of a revocable depredation permit to landowners or tenants who experience property damage from bears as determined by Department staff. The legal authority to kill animals damaging or destroying land or property was enacted by the Legislature in the 1950s. A lot has changed in California since then.

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Historically, these laws, wildlife management, poaching of wildlife, and other factors contributed toward a relationship with wildlife where many species were shot, trapped, and eliminated as nuisance or “vermin” during the 1800s and into the 1900s. As time changes, values change, and wildlife management evolves. Existing law allows any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by specific animals, including bears, to request from the Department a permit to kill the animal involved. This ability has existed for Californians since at least 1957. The Department engages with citizens seeking this permission contemporaneous to the 21st century.

Today, this permit shall be issued by the Department after an application by an owner or tenant of land or property but only upon satisfactory evidence of the damage or destruction. Importantly, the permit shall contain information about why the permit was necessary, what efforts were made to solve the problem without killing the bear, the corrective actions that should be implemented to prevent a reoccurrence, and proper disposal of the carcass. The Department emphasizes that this process requires information from the applicant whether any efforts, and if so, what efforts, were made to solve the problem without the need for lethal action. If no such efforts have been made, the Department will work with the applicant to propose non-lethal efforts first, as an alternative to the applicant pursuing their option under Fish and Game Code section 4181 and California Code of Regulations, Title 14, section 401.

Furthermore, the Department may, at its discretion, add terms and conditions to the permit necessary to protect wildlife and ensure public safety, including but not limited to conditions that require the permittee to implement corrective actions (e.g., hazing; eliminating unnatural food or attractants by removing trash and bear-proofing food storage areas; enclosing animal pens; installing fencing or electric fencing, motion lights and sprinklers, noise machines, guard animals; or securing and blocking access to crawl spaces or other potential denning sites), ensure only a single animal is taken, or take other actions. If information is available to help identify the bear that caused the damage, this should be used to ensure the correct bear was trapped/captured before it is removed or lethally taken. The Department responder shall document the incident through the Department’s WIR system.

A person knowingly feeding a bear could be subject to criminal penalties pursuant to California Code of Regulations, Title 14, section 251.3. If a department responder determines persons are feeding a bear, they should notify LED immediately.

Section 4181.1(a) states any owner of livestock or the livestock owner’s employee may immediately take a bear encountered in the act of, inflicting injury to, molesting or killing livestock if the taking is reported to the Department no later than the next working day and the carcass is made available to the Department. If this occurs, LED should be notified for verification and reporting.

Decision Authority: The decision to issue a depredation permit shall be made by an EPM or RM consistent with this updated policy. It is expected that the EPM and RM are in frequent communication on the type and status of depredation requests in the Region. The

RM will regularly brief executive staff on type and status of decisions. If it is determined the target Depredation Bear is a sow with dependent young, then the EPM will coordinate with the RM, and the RGT should be consulted prior to issuance of a depredation permit.

4.0 Conflict Bear Response

A variety of Conflict Bear situations may arise where no imminent threat to the public exists and no depredation permit has been issued. These cases can range from a bear in a populated area that has caused No Harm/No Foul to a bear that is displaying habituation to human supplied food sources and has lost its instinctual fear of people. It is also the case that a Conflict Bear situation where no depredation permit has been issued may turn into an imminent threat to public safety. Careful consideration of the individual bear, the context and conditions, and available resources are required to determine the best course of action for any given situation to ensure the best chances of success in terms of safety and animal welfare.

This section of the policy recognizes the increase in human/bear conflicts in California, particularly in the Lake Tahoe Basin. As the Department implements a response, it is actively engaged with individuals, neighborhoods, homeowners' associations, and others with an appreciation for the challenges and the potential for conflict situations to turn into management situations necessitating the Department to respond to truly habituated bears. This section of the policy defines a step-wise approach ranging from "No Harm/No Foul" conflicts to those that may end with a management action to humanely euthanize an animal.

Early communication between regional wildlife program staff, WHL, and LED is critical. Information about the Conflict Bear shall be conveyed through the appropriate chain of command. Communication with the RGT should be done by any means available including phone, email, and other information technology based communication platforms.

4.1 No Harm/No Foul Bear Response

While not the only example, the classic example of a No Harm/No Foul bear conflict is a bear in a tree in a neighborhood. In situations where suitable habitat is readily accessible, a No Harm/No Foul Bear should be encouraged to return to that habitat by removing attractants, antagonists, or distractions and, if necessary, by hazing. The Department may relocate the bear to suitable habitat if the foregoing methods are unsuccessful or determined unsafe for the bear, staff and/or the public. Trapping/capturing or chemical immobilization may be necessary in order to move a bear. Ear tags shall be placed and biological samples (*i.e.*, DNA) collected from all bears immobilized by the Department for purposes of future identification. Special "do not consume" or "call before consuming" ear-tags are to be used if chemical immobilization occurs within two weeks of or during the general and archery bear season. An Immobilization Data Sheet shall be completed (with ear tag number) and forwarded to the WHL where all pertinent information, including ear tag color, location and number, will be captured in a database for future reference in the

event an ear-tagged bear is recaptured. Prior to trapping/capturing and relocation, documentation (as defined below in 4.3.1) must be approved by the RM or designee.

Decision Authority: The decision to trap/capture and relocate a No Harm/No Foul bear shall be made by the RM or designee.

4.2 Habituated Bear Response

The instinct for a bear to return to a known food source overrides what should be a natural tendency to avoid people. The more bears become accustomed to human food sources, the more likely they are to interact with people, which ultimately exposes them to situations where their behavior is less desirable, increasing risk for conflict. The Department's related "Keep Me Wild" program is a public campaign to help California's wild animals from becoming habituated and falling victim to unnecessary conflict and even death resulting from access to human food and garbage. The Keep Me Wild Campaign is publicly advertised and provides tips for keeping animals like bears away from homes and what to do if humans encounter a bear. The Department will seek opportunities to increase human awareness of the serious dangers of habituation to bears.

4.3 Incident Specific Approach

Each incident will be evaluated and a response will be determined on a case-by-case basis according to specific facts and circumstances. The staff approach to a possibly habituated bear should employ methods from the tool box of resources available based on the evidence and science. The tool box of resources for managing bears is evolving and may include approaches such as those described in Appendix B: **Lake Tahoe Basin "Trap/Tag/Haze" Pilot Management Project**. Additional management approaches require resources that are currently not available to the Department for statewide bear management. Efforts to understand bear management approaches are costly and time consuming requiring additional staffing, equipment, and cooperation among partner groups.

The most desirable outcome for a habituated bear is avoidance of humans and a return to its natural behavior and habitat. Department staff should recommend corrective actions by property or livestock owners such as managing attractants (removal of all non-natural food items), managing the site (fencing, educating people about bear avoidance or temporarily removing public access), or managing the bear (hazing methods). This emphasis on non-lethal corrective actions first is a prudent management structure designed to cure the habituation, remedy the conflict, and create the best outcome for the bear itself. Relocation, placement, or euthanasia of Conflict Bears will be employed only when all feasible corrective measures are exhausted and will follow steps described in 4.3.1-4.3.2.

The Department recognizes that, unfortunately, some bears may be so habituated that the conflict will persist. The reality is some bears may learn a behavior. They may show little to no reaction to people. They may continue to break into dwellings or frequent areas like campgrounds, increasing the likelihood of conflicts.

Therefore, regional wildlife program staff will determine a course of action until the issue is resolved, or it appears corrective actions have been exhausted and the situation remains unresolved. Regional wildlife program staff will provide a briefing document containing pertinent information to their supervisor, who will evaluate whether additional management options should be employed to address the situation. Where feasible, best efforts will be made to collect scientific data and genetic samples from any bear regardless of the type of conflict, incident or action. Consideration in the briefing document will be given to the documented timeline of conflict incidents detailing the risk posed to human health and property, the pattern of incidents, whether behavior is becoming increasingly bold or threatening, and the outcome of corrective measures. If the supervisor believes additional management efforts are unlikely to succeed, this information will be provided to the EPMs of the Region and the WHL, who will develop a recommendation to either euthanize the bear, relocate the bear, or place the bear in captivity, based on criteria below. This recommendation will be provided to the RGT.

4.3.1 Documentation for Conflict Bear Relocation or Placement

Relocation or placement of a bear in a care facility requires careful consideration. Science is developing regarding the long-term efficacy of relocating animals. Often relocated bears return to the habitat in question over long distances. Placement of a bear means a lifetime of captivity for a once wild animal. Moreover, appropriate facilities for placement may not be available. However, relocation and placement are responsible management actions for the Department to consider as an alternative to lethal actions.

For any Conflict Bear, in order to consider relocation or placement, documentation must contain the following information and be made readily available for decision making.

1. Description and current status of the bear (tag number, if available).
2. Details of timeline and type of conflict.
3. Rationale for placement or relocation.
4. Efforts to implement corrective actions.
5. Hazing efforts implemented and the bear's response.
6. Information from other state, federal, or local agencies, including law enforcement.
7. Availability of trained staff and necessary equipment including GPS collar if bear will be relocated. Include a list of staff involved.
8. Relocation – suitable habitat and release site identified, time of relocation, and approvals accepted.
9. Communication plan with OCEO to media or interested parties. Notify affected local, state, or federal landowners of the intent to relocate the bear, and notify all other Region/Branches that may be impacted by the relocation.

10. Placement – The WHL will initiate outreach to determine space availability at accredited and quality facilities, both in and out-of-state, for the particular placement candidate bear. The decision to permanently place an animal should be considered an option only if rehabilitation and release back to the wild is deemed infeasible and the bear is determined to be a good candidate for permanent placement.
11. Relocation Approval - A No Harm/No Foul bear may be relocated to nearby suitable habitat with approval from the RM or designee (Section 4.1). All other relocation efforts require approval of the RM and RGT (Section 4.3.2). Because the act of relocation may be time sensitive, the approval may be communicated and approved via text or email, and saved for retrieval if needed.

4.3.2. Determination for Conflict Bear Relocation or Placement

The determination of whether to attempt placement, relocation, or euthanasia will be made by considering animal welfare and the likelihood of successful placement or relocation. The ethics and animal welfare concerns associated with removing a wild animal from its natural habitat and into captivity, whether for short-term evaluation or permanent placement, are important considerations. Adult bears may be poor candidates for placement due to the chronic stress of adjusting to captivity after living only in wild conditions. Cubs are usually better candidates for successful placement. Due to their long lifespans and the large area required for housing, long-term placement options for bears are limited.

WHL determines appropriate placement options by considering accreditation and quality of available facilities. Information is maintained on all zoos and sanctuaries in the state regarding inspection history and prior placement outcomes. WHL also determines the availability of out-of-state facilities by contacting the Association of Zoos and Aquariums, the American Sanctuary Association or the Global Federation of Animal Sanctuaries. If an unaccredited facility outside of the state has availability, WHL consults their last two U.S. Department of Agriculture inspection reports and their permitting status with the appropriate state wildlife agency to evaluate suitability. Although placement in the state is preferred, decisions regarding placement are made on a case-by-case basis, depending on the temperament and age of the animal, and the availability of a quality facility. If no placement option is available, the Department will consider relocation or euthanasia.

After evaluation and a decision against relocation or placement, the bear should be euthanized in the field to prevent the unnecessary stress of capture and captivity. If long-term placement is available, a bear may be housed temporarily at WHL, with approval from the WHL EPM, to evaluate whether the bear's temperament is conducive to long-term captivity. If placement is decided against, humane euthanasia will be performed.

Decision Authority: The decision to use corrective measures shall be made by regional wildlife program staff in consultation with the RM or designee. The decision to place or relocate shall be made by the RM or CWLB in consultation with the RGT. A recommendation for potential placement of the habituated bear will be made by WHL and

approved by the RGT. The decision to euthanize a habituated bear shall be made by the RGT.

4.4 Animal Welfare Bear Response

The Department strives to sustain the welfare of bears by allowing them to express their normal behavior and avoiding situations that subject them to undue pain and fear. These considerations can be complex, subjective, and at times contradictory especially when applied to free-ranging, native wildlife. The Department will consider animal welfare when managing human/bear conflict, minimizing suffering to individual animals while attempting to protect their freedom to exercise natural behaviors. In general, animal welfare bears fall into two categories: sick or injured bears, and orphaned bears.

4.4.1 Sick or Injured Bear Response

In the case of sick or injured bears, responding personnel should assess injuries to the best of their ability. A WHL veterinarian should be consulted if the responder is unsure as to the severity of illness or injuries or otherwise requires guidance or assistance regarding handling or disposition of the bear. Bears with severe trauma that includes severe bone breaks or severe head trauma should be considered for immediate euthanasia in the field due to poor prognosis and to reduce suffering of the animal.

Decision Authority: A plan for response to a sick or injured bear will be recommended to the RM by the WHL. The decision to euthanize a sick or injured bear will be made by the RM or CWLB in consultation with the WHL.

4.4.2 Orphaned Bear Response

On occasion, black bear cubs or yearlings may be found orphaned (both defined above). Orphaned cubs are eligible for rehabilitation only at permitted wildlife rehabilitation facilities specifically approved by the Department for bear rehabilitation. It is unlawful for the public to pick up and possess orphaned bears (Fish and Game Code sections 2000 and 2002; California Code of Regulations, Title 14, section 679(b)). Occasionally, orphaned yearlings, when they might normally still be associated with a sow, require Department response for conflict or welfare situations. Yearling bears offer unique challenges in a rehabilitation setting, they are more likely to injure themselves or damage their enclosures, and are generally more difficult to successfully manage and release back to the wild. As such, orphaned yearlings may be considered for rehabilitation on a case-by-case basis and in consultation with a WHL veterinarian.

The following guidelines should be used to assist personnel in implementing this policy as it relates to orphaned bears and dependent yearlings.

4.4.2.1 Rehabilitation Selection Criteria

Orphaned bears may be candidates for rehabilitation if all the following conditions are met:

1. The orphaned cub or yearling is clearly dependent and unable to survive in the wild.

2. The orphaned cub or yearling shows little to no evidence of habituation to humans. Starving cubs or yearlings may appear habituated upon initial presentation, but often resume wild behavior once adequately fed.
3. There is a consensus between Department personnel in the region and the WHL EPM or his/her designee that a given cub or yearling is suitable for rehabilitation. If consensus is not reached, the final decision about whether a cub or yearling meets the criteria will be made by the WHL EPM.

4.4.2.2 Procedures for Returning Orphaned Bear to Wild

1. WHL should be consulted regarding all orphaned bears determined to be potential candidates for rehabilitation and release. The animals should be held in a secure container and kept in a quiet location with little or no human contact. The bear(s) should be given food and water as appropriate. The WHL will determine if the orphaned bear should be transported to WHL or directly to a permitted orphaned bear rehabilitation center.
2. All rehabilitated orphaned bears shall be ear tagged immediately once placed at the rehabilitating facility. Prior to release, relocation approval must be agreed upon by RM and CWLB or designee.
3. Release of rehabilitated orphaned bear(s) will be done in appropriate habitat and may entail a “soft” release where hibernation behavior is triggered and the hibernating bear is placed in natural or artificially constructed den(s) during the appropriate time of winter or early spring, or a “hard” release in late winter or early spring where the cub/yearling either has come out of hibernation or was never hibernating and is released awake with light to moderate hazing in an area where food resources are available.
4. The release of a rehabilitated orphaned bear shall be supervised by Department personnel. WHL or Region will coordinate through OCEO regarding communication with news media.

5.0 Responsibilities of the Wildlife Health Lab and Wildlife Forensics Lab (WFL)

Public Safety animals that do not injure or kill a person will be necropsied by the WHL or an independent diagnostic laboratory approved by WHL. WFL will provide genetic analysis of the bear.

A Public Safety animal that injures or kills a person will be necropsied by an independent diagnostic laboratory in consultation with the WHL and WFL. Public Safety animals killed in an attack on a person must be examined by WFL personnel or a qualified person approved by WFL supervisor using specific procedures established by WFL.

If a human death occurs, coordination of the autopsy between the proper officials and WFL is important so that WFL personnel can take appropriate samples for examination.

In the event of human injury, it is important for WFL to gather any relevant physical evidence that may corroborate the authenticity of a wildlife attack, prior to the treatment of injuries, if practical. If not practical, directions for sampling may be given over the telephone to the LED or the emergency room doctor.

6.0 Training

Training is a necessary part of a professional and reasoned response to bear conflict incidents. The Department has provided and will continue to provide training opportunities for staff who respond to wildlife conflict incidents.

Wildlife Fundamentals Class - Provides an introduction to capture and restraint of wildlife, disease considerations when working with wildlife, personnel and animal safety, and Department policies regarding wildlife handling, wildlife rehabilitation, and restricted species. The Department will provide this class at least once per year.

Wildlife Restraint and Chemical Immobilization Class - Provides specific training on the uses and applications of chemical immobilization techniques. It also provides instruction on how to approach wildlife incident responses and determine when capture and handling of wildlife is appropriate. The Department or other appropriate entities will continue to provide this class at least once per year (or more) for appropriate staff qualified to engage in chemical restraint.

Academy Training for Law Enforcement - Basic introduction for all wildlife officers on responding to wildlife incidents and wildlife incident reporting (WIR) system will occur during academy training.

Continued Law Enforcement Training - Focused training for wildlife officers related to policy and procedures, public safety wildlife incidents, and media relations will be implemented throughout the law enforcement division's (LED) daily training bulletin system. This bear policy will be reviewed and acknowledged by all wildlife officers annually.

Ongoing Coordination and Cross-Training - Coordination and cross-training within and between Department programs on responding to wildlife incidents. The RGT will meet not less than twice a year to review efforts and discuss effectiveness of this policy.

Wildlife Incident Report Training - Training specific to use of the online WIR system. This training will be introduced as a component of each class described, but also be offered once a year as a focused stand-alone training course.

Annually, the Department will evaluate the training program and needs with the Wildlife Branch, LED and OCEO. The Department's Office and Training and Development will assist in such review and implementation of training wherever possible.

7.0 Outreach and Education Resources

Staff utilizing this policy are expected to be familiar with the Department's various outreach and education efforts with the public regarding human/bear conflicts. Below is a summary of those efforts and links to further information for each.

Importantly, the Department relies upon interactions with affected landowners and citizens to establish a record related to human/bear conflicts to inform management decisions. Two such information sources are data obtained pursuant to depredation requests and the Department's WIR portal.

Depredation requests are received by the Department from individuals who experience property damage as a result of bears. The depredation request is documented through the WIR database and allows for issuance of a depredation permit under certain circumstances. Information collected during the depredation permit request process includes time, date, damage caused by the bear, and deterrents that may have been in place to prevent the occurrence. After reviewing the information the Department may issue a depredation permit.

WIR is a database that is accessible to the public through the Department's website as well as Department staff. The database houses information related to bear incidents throughout California. Information on incidents can be entered by the public or Department staff. The WIR database is used to issue depredation permits when requested and reviewed by the Department.

Currently, the WIR can be accessed on the Department website at <https://apps.wildlife.ca.gov/wir/incident/create>. Effective outreach and education requires the Department to create a more user-friendly WIR portal for the general public on the Department's website. Within 12 months of the effective date of this policy, the Department will seek feedback from stakeholders, coordinate with its Data and Technology Division, and establish a more user-friendly WIR.

The purpose of improved data management is to maintain a data base of reports and information that can be queried for specific information on identify of bears, photos, locations, behaviors, evidence of avoidance and non-lethal measures used, descriptions and photos of property damage, timelines of events, and hot spots for habituated bear behavior.

The Department acknowledges that in some situations the general public is fearful of providing data related to the possible outcome of euthanizing an animal. The Department will establish a "tip line" web portal for residents to report habituated bear behaviors anonymously. All information related to a request for a depredation permit will be subject to public records laws.

Across the state the Department implements its Keep Me Wild campaign. This effort is designed to educate the public on measures they can take to keep bears wild. Outreach on these behaviors can be found on the Department's [Keep Me Wild](#) website.

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The Department also utilizes [Bear Naked Truth](#), a blog designed to objectively disseminate information on bear management actions. Though focused on the Lake Tahoe Basin, often information from outside the area is included.

The Department will increase outreach and education in the Lake Tahoe Basin by offering to meet periodically with homeowners' associations and other neighborhood groups to provide information on trash storage, trap/tag/haze efforts, and other bear management issues. The Department will offer to brief local governments on a quarterly basis at County Board of Supervisors meetings regarding bear management. This interaction through public county meetings is based on a similar effort the Department conducted in northern California for wolf management issues.

A handwritten signature in black ink, appearing to read 'C. H. Bonham', with a long horizontal line extending to the right.

Charlton H. Bonham, Director

APPENDIX A

Public Safety Wildlife Response (No Attack on a Human)

- A. Secure the scene.
- B. Humanely euthanize the Public Safety Bear unless there are extenuating circumstances.
- C. Notify Dispatch and the RGT.
- D. Gather information for report and enter into the WIR system.

Public Safety Wildlife Response (Attack on a Human)

- A. Secure the scene and ensure proper medical aid if there is a victim. Identify the victim and obtain the victim's name, address, and phone number.
- B. Notify the appropriate Dispatch Center. Dispatch shall notify the field investigator's supervisor. LED chain of command will notify the appropriate RM, DDWFD, CLED, DCLED, CWLB, Wildlife Forensic Lab (WFL), WHL, OCEO, and if necessary local law enforcement agencies.
- C. Initiate the ICS. If a human death has occurred, a LED supervisor or specialist will respond to the Incident Command Post and assume the Incident Commander (IC) responsibilities. The IC holds initial responsibility and authority over the scene, locating the bear, its resultant carcass, and any other physical evidence from the attack. The IC will ensure proper transfer and disposition of all physical evidence.
- D. Treat the area as a crime scene. In order to expedite the take of the offending animal and preserve as much on-scene evidence as possible, the area of the incident must be secured immediately by the initial responding officer. The area should be excluded from public access by use of flagging tape or similar tape (e.g., "Do Not Enter") utilized at crime scenes by local law enforcement agencies. One entry and exit port should be established. Only essential authorized personnel should be permitted in the excluded area. A second area outside the area of the incident should be established as the command post.
- E. In cases involving a human death, WFL personnel will direct the gathering of evidence and secure items such as clothing, tents, sleeping bags, objects used for defense during the attack, objects chewed on by the animal, or any other materials which may possess the attacking animal's saliva, hair, or blood.
- F. If the victim is alive, advise the attending medical personnel about the Carnivore Attack-Victim Sampling Kit for collecting possible animal saliva stains or hair that might still be on the victim. If the victim is dead, advise the medical examiner of this evidence need. This sampling kit may be obtained from the WFL.

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G. It is essential to locate the offending animal as soon as practical. The assistance of the U.S. Department of Agriculture, Wildlife Services (WS) may be arranged by the LED or designee contacting the local WS District Supervisor.

H. If an animal is killed, the IC will notify the chain of command. Treat the carcass as evidence. Use clean protective gloves and (if possible) a face mask while handling the carcass. Be guided by the need to protect the animal's external body from: loss of bloodstains or other such physical evidence originating from the victim; contamination by the animal's own blood; and contamination by the human handler's hair, sweat, saliva, skin cells, etc. Tape paper bags over the head and paws, and then tape plastic bags over the paper bags. Plug wounds with tight gauze to minimize contamination of the animal with its own blood. Place the carcass inside a protective durable body bag (avoid dragging the carcass, if possible).

I. WFL will receive from the IC and/or directly obtain all pertinent physical evidence concerning the primary questions of authenticity of the attack and identity of the offending animal. WFL has first access and authority over the carcass after the IC. WHL will immediately contact and coordinate with the health department the acquisition of appropriate samples for rabies testing. Once WFL has secured the necessary forensic samples, it will then release authority over the carcass to WHL for disease studies.

J. An independent diagnostic laboratory approved by WHL will conduct necropsy and disease studies on the carcass. The WHL will retain primary authority over this aspect of the carcass.

K. In the event that a Public Safety Bear cannot be located and taken, and the immediate threat no longer exists, the RGT shall re-assess the incident and consider re-classifying the bear.

Appendix B

Lake Tahoe Basin Black Bear “Trap/Tag/Haze” Pilot Management Project

The Lake Tahoe Region has the second highest density of black bears in North America, with several bears per square mile at times. When bears become habituated to obtaining food by raiding garbage cans, entering homes, and generally associating food with people, they are extremely difficult to deter and are increasingly creating public health and safety issues.

In addition, climate change is rapidly altering natural habitat, and this too is seen in the Lake Tahoe Basin where hotter and drier weather may cause cascading impacts to bear behaviors and life strategies. On top of those changes, catastrophic fires that have occurred in the Lake Tahoe Basin degrade bear habitat and may be pushing bears into more human conflicts in search of food.

Recognizing these events and the increase of human/bear conflicts, the Department is implementing a pilot management project in the Lake Tahoe Basin. The trap/tag/haze project allows the Department to identify bears and provide a deterrent to habituated behaviors the bear may be displaying. A cage trap is used to capture bears in areas where they regularly show up and have been causing issues with habituated behaviors such as raiding trash cans, breaking in cars or houses, or entering campsites. Once captured, the bears are immobilized and tagged with ear tags or GPS collars to readily identify the individual bear. Biological samples (*i.e.*, DNA), and scientific data related to health and biometrics are also gathered during this time. Upon release of the bear, the Department uses bean bag rounds discharged from a firearm and loud noises to haze the bear from the undesired location and to deter future habituated behaviors.

The Department will evaluate the data from the trap/tag/haze project in the coming years to determine if the management methods show an indication of deterring habituated behaviors or not. The trap/tag/haze project also allows for LED and scientific staff to readily identify bears that may display habituated behaviors and track those behaviors over time providing data on how the behaviors may be learned by other adult bears or cubs. The policy incorporates trap/tag/haze as a pilot management project in the Lake Tahoe Basin to create additional flexibility for the Department for these purposes: (1) further evaluate the effectiveness of management actions to reduce bear habituation; (2) employ active management through hazing to reduce bear habituation; and, (3) to increase Department management flexibility when landowners may elect to not request a depredation permit, (4) monitor when a habituated bear may eventually transition to a public safety situation.

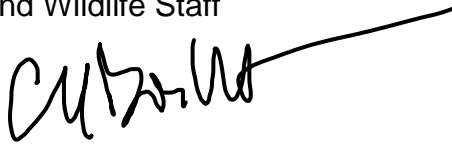
The Department will continue to evaluate additional hazing tools during the pilot management project. Other such tools may include a program to utilize specially trained dogs under professional handling to haze bears upon release to increase chances the bear subject to hazing modifies their behavior.

Memorandum

Date: February 28, 2024

To: Department of Fish and Wildlife Staff

From: Charlton H. Bonham
Director



Subject: **Statewide Guidance for Assessing Black Bear Depredation Permit Requests – Addendum 1 to the CDFW 2022-01 Black Bear Policy in California**

California has a robust black bear (*Ursus americanus*) population that human activity often intersects with. As urban areas expand across the state into black bear habitat these environments are becoming closer to one in the same providing ample anthropogenic food sources and increasing the likelihood of human-black bear interactions. Management of these interactions requires the California Department of Fish and Wildlife (CDFW) to continually evaluate existing and innovative approaches to black bear management, including responsibilities shared by the public, homeowners, farmers, and ranchers to reduce the likelihood of attracting black bear to themselves or their property. Minimizing human-black bear interaction will also require consistency across CDFW in how requests for black bear depredation permits are evaluated.

As outlined in the [CDFW 2022-01 Black Bear Policy](#) in California, depredation permit requests shall contain information about why the permit was necessary, what efforts were made to solve the problem without killing the bear, the corrective actions that should be implemented to prevent a reoccurrence, and proper disposal of a carcass. CDFW emphasizes that this process requires information from the applicant whether any efforts, and if so, what efforts, were made to solve the problem without the need for lethal action. If no preventive measures or efforts have been made, CDFW will collaborate with the applicant to propose non-lethal efforts first, as an alternative to the applicant pursuing their option under Fish and Game Code section 4181 and California Code of Regulations, Title 14, section 401. The following guidance is designed to meet the requirements of the Black Bear Policy in California and provide approving authorities with a consistent method of evaluating black bear depredation permit requests.

Guidance

These considerations are meant to guide approving authorities in evaluating requests for depredation permits. It is likely that a combination of these considerations is likely to be observed in most cases involving depredation permit requests. In evaluating depredation permit requests approving authorities should focus on the desired intent of the CDFW Black Bear Policy in California which considers personal responsibility for

reducing attractants on a property, documentation of damage, and reasonable measures taken to reduce the likelihood of the need for a depredation permit.

Considerations when evaluating property damage for depredation permit request:

- Minimal Damage that may be mitigated with deterrents.
 - Ripped or removed screens.
 - Scratches.
 - Trash spread around.
 - Food spread around.
 - Teeth marks on property.
 - Removal of loose chicken wire.
 - Pulling off boards or weakly attached items.
- Typical types of damage that may be mitigated with deterrents (damage may be consistent with a depredation permit issuance).
 - Broken windows.
 - Broken doors.
 - Broken cabinets.
 - Broken appliances.
 - Damaged fencing.
 - Damaged chicken coops.
- Major damage that is consistent with a depredation permit issuance.
 - Flooding due to broken pipes or valves.
 - Severely broken kitchen cabinets and appliances.
 - Rips or tears to furniture or carpet.
 - Destruction of chicken coop or livestock pens.

Evaluation of common preventative measures to be considered prior to issuing depredation permit:

- Is there a presence and/or availability of attractants to black bears?
 - Was there food or scented attractants available to black bears outside of the building?
 - Were windows or doors left open to allow for scent attraction to the building?
 - Are bear proof trash receptacles being used on site?
 - Were animals properly housed in enclosed night pen or chicken coop?
- Is the area properly fenced or protected?
 - Is there appropriate height (5-8 feet) fencing around the crop or livestock?
 - Is an electrical fence used to protect animals?
 - Is barbwire incorporated into fencing?
 - Is the fence structurally sound to prevent entrance of black bears?
 - Were windows or doors left open?

- Were crawl spaces or deck spaces properly secured?

Communication:

Communication with executive staff on black bear depredation permit requests and approvals should be carefully considered in each situation. If the answer to one or more of the questions below is yes, executive communication is strongly advised prior to, during, or after issuance of a permit.

- Is the offending black bear a sow with cubs?
- Who owns/occupies the dwelling?
- Was the dwelling occupied?
- Does the black bear have a name?
- Has there been previous media on the issue?
- Is the black bear collared?
- Has the black bear been moved before?
- Did the incident(s) occur in a highly populated area?
- Are their local, state, or federal agencies involved?
- Are there non-governmental organizations involved?
- Are there local elected officials involved?

Issuance:

Information on depredation and conflict incidents shall be documented in the Wildlife Guidance Response SharePoint site. Incident details will be reviewed by approving authorities in evaluating the request for a depredation permit. The summary of the details may help determine the incident specific approach as outlined in the CDFW 2022-01 Black Bear Policy and will aid approving authorities to determine appropriate response.

It is desired that CDFW take steps towards assuring that black bears taken under depredation permits are the offending animal and are properly identified when possible. Methods of identification can include such things as tags, visual markings, or DNA.

The issuance of non-lethal depredation permits for black bears is not described in the 2022 Black Bear Policy in California or Fish and Game Code. Mitigation measures or preventative actions if deemed necessary should be communicated to depredation permit requestors prior to the consideration or issuance of a lethal depredation permit.

Notifications of depredation permit denials shall be made by approving authorities or their designee.

Depredation permit requests are a wildlife management issue. Law Enforcement Division (LED) assistance will be at the discretion of the Chief or their designee. Assistance from LED should not be assumed without prior approval.

If reasonable preventative measures and approaches such as those described above do not resolve or stop reoccurrence, then action may be taken by CDFW to treat the black bear as a conflict bear as described in the 2022 Black Bear Policy in California.