

**2018-2020 Fall black bear hunting season and regulations**

220-415-090

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## Summary Sheet

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**Meeting dates:** June 14-15, 2019

**Agenda item:** Fall Black Bear Hunting Seasons and Regulations

**Presenter(s):** Stephanie Simek, Carnivore and Furbearer Section Manager, Game Division, Wildlife Program

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**Background summary:**

Staff will brief the Commission on proposed amendments to WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

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**Staff recommendation:**

220-415-090 2018-2020 Fall black bear hunting seasons and regulations:

- Adjust season dates to open Aug 1 statewide
  - Change bag limit to two bears/license year statewide
  - Remove 2018 dates
  - Remove GMUs 419, 420, and 421 because the opportunity to harvest a bear in these GMUs is extremely rare given there is no resident bear population
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**Policy issue(s) and expected outcome:**

- Increase recreational hunting opportunity by a minimum of 15 days and a maximum of 30 days in Eastern Washington. Further increase opportunity in 6 of 11 hunt areas by allowing harvest of two bears per license year.
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**Fiscal impacts of agency implementation:**

No fiscal impacts beyond the status quo.

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**Public involvement process used and what you learned:**

In preparation for this meeting, notification was made to approximately 12,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulation amendments. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the June 14-15, 2019 Commission meeting at the Red Lion, in Port Angeles, Washington.

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**Action requested and/or proposed next steps:**

Briefing and public hearing only. Adoption of this rule is planned for the June 28th, 2019 Commission Meeting Conference Call.

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**Draft motion language:**

Briefing and public hearing only.

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**Post decision communications plan:**

- WDFW Website
  - News Release
  - Targeted outreach to affected stakeholders
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AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

**WAC 220-415-090 ((2018)) 2019-2020 Fall black bear hunting seasons and regulations.** It is unlawful to fail to comply with the provisions below. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280.

<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal	<del>((Aug. 1 - Nov. 15, 2018))</del> Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	<del>((Aug. 1 - Nov. 15, 2018))</del> Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 407, 454, 624, 627, 633, 652, 666, 667
North Cascades	<del>((Aug. 1 - Nov. 15, 2018))</del> Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 418 <del>((421))</del> , 426-450, 460
South Cascades	<del>((Aug. 15 - Nov. 15, 2018</del> <del>Aug. 15))</del> Aug. 1 - Nov. 15, 2019 Aug. <del>((15))</del> 1 - Nov. 15, 2020	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	<del>((Aug. 15 - Nov. 15, 2018</del> <del>Aug. 15))</del> Aug. 1 - Nov. 15, 2019 Aug. <del>((15))</del> 1 - Nov. 15, 2020	GMUs 203, 209-243
East Cascades	<del>((Aug. 1 - Nov. 15, 2018))</del> Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	<del>((Sept. 1 - Nov. 15, 2018</del> <del>Sept.))</del> Aug. 1 - Nov. 15, 2019 <del>((Sept.))</del> Aug. 1 - Nov. 15, 2020	GMUs 101-121, 204
Northeastern B	<del>((Aug. 15 - Nov. 15, 2018</del> <del>Aug. 15))</del> Aug. 1 - Nov. 15, 2019 Aug. <del>((15))</del> 1 - Nov. 15, 2020	GMUs 124-130

<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Blue Mountains	(( <del>Sept. 1 - Nov. 15, 2018</del> Sept.)) Aug. 1 - Nov. 15, 2019 (( <del>Sept.)) Aug. 1 - Nov. 15, 2020</del>	GMUs 145-154, 162-186
Columbia Basin	(( <del>Aug. 1 - Nov. 15, 2018</del> )) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	(( <del>Sept. 1 - Nov. 15, 2018</del> Sept.)) Aug. 1 - Nov. 15, 2019 (( <del>Sept.)) Aug. 1 - Nov. 15, 2020</del>	GMU 699

**Bag Limit:** Two (2) black bear per annual hunting season (~~(only one of which may be taken in Eastern Washington)~~).

**Area Restriction:** Special deer permit required to hunt black bear in GMU 485. GMUs 410 and 422 are closed for black bear hunting. Hunters that choose to hunt in GMUs located in grizzly bear recovery areas, as identified by the department, must successfully complete the WDFW on-line bear identification test or equivalent test from another state and carry proof of successful completion.

**License Required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

**Other Requirements:** Hunters that choose to hunt in GMUs located in grizzly bear recovery areas as identified by the department must successfully complete the annual WDFW online bear identification test with a passing score (80% or higher) or carry proof that they have passed an equivalent test from another state. The WDFW test may be taken repeatedly until a passing score is achieved. All hunters must carry proof of passing a bear identification test while hunting in the GMUs identified by the department.

**Submitting Biological Samples and Bear Teeth:** Successful bear hunters must comply with harvest reporting and submission of biological samples including the black bear premolar tooth located behind the canine tooth of the upper jaw. Failure to comply with the submission of biological samples is a misdemeanor pursuant to RCW 77.15.280.

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:**

### WAC 220-415-090 2018-2019-2020 Fall black bear hunting seasons and regulations.

There were 708 comments received through on-line survey and another 30 emailed comments submitted for the WAC proposal.

#### **Supporting Comments:**

There were 714 comments in support of the proposed changes. Levels of support varied from support of the two bear bag limit only, support of the August 1 open season date, or support of both. Many expressed the desire for reinstating baiting and hound hunting, others expressed concern that the August 1 date may result in wastage/spoiled meat, and others stated a desire for more spring bear hunting opportunity. Several mentioned support as direct relationship to improving ungulate populations. Most commented general support of a standardized bag limit and season open date. Additionally, a couple expressed support and indicated the changes may attract hunters from Idaho.

#### **Opposing, Neutral, and Other Comments:**

Nine (9) comments were received in opposition and eleven (11) were neutral. Several of those that opposed suggested that the two bear bag limit will place too much pressure on the bear populations, it is too hot for an August 1 opener, and alternatives such as opening a spring draw season in the south and north cascades so that it spreads out hunting pressure and gives more opportunity to hunters that participate in spring bear draws. One (1) commenter questioned why we would conduct a survey, stating if the population can support the change then the rule should be adjusted.

#### **Direction and Rationale:**

The department will move forward with the recommendations to the Fish and Wildlife Commission. The department will strike the 2018 dates from the current rule as those dates have passed. The department will create a statewide black bear bag limit of two and a statewide season open date of August 1. These changes will increase the number of hunting days and will allow hunters to harvest two bears in Eastern Washington. Further the department will remove Game Management Units (GMUs) where opportunities to harvest are extremely rare. The department believes that these changes will promote more opportunity for black bear hunting in Washington.



# PROPOSED RULE MAKING

**CR-102 (August 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 23, 2019

TIME: 11:35 AM

WSR 19-10-025

**Agency:** Washington Department of Fish and Wildlife (WDFW)

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 19-06-080 on March 05, 2019 ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject)

WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

**Hearing location(s):**

**Date:**                      **Time:**                      **Location:** (be specific)                      **Comment:**

June 14-15, 2019	8:00 a.m.	Red Lion Hotel 221 N. Lincoln Port Angeles, Washington 98362	
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**Date of intended adoption:** June 14-15, 2019 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA 98504

Email: wildthing@dfw.wa.gov

Fax: (360) 902-2162

Other: <https://www.surveymonkey.com/r/ZN5J298>

By (date) May 16, 2019

**Assistance for persons with disabilities:**

Contact Delores Noyes

Phone: (360) 902-2349

Fax:

TTY: (360) 902-2207

Email: delores.noyes@dfw.wa.gov

Other:

By (date) June 7, 2019

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

The proposed changes provide more recreational hunting opportunity in Eastern Washington by increasing the bag limit to 2 bears per license year. Also the proposed changes increase recreational opportunity in the South Cascades, Okanogan, Northeastern A, Northeastern B, Blue Mountains, and Long Island by opening the season August 1 statewide. GMUs 419, 420, and 421 are being removed because bear hunting opportunities in these GMUs is extremely rare and it may be mis-leading to hunters. The final edit is to remove the 2018 dates as they have already occurred.

**Reasons supporting proposal:**  
WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.  
The proposed amendments will simplify rules by creating a statewide bag limit and season opener. Additionally, the proposed amendments will remove emphasis on GMUs where bear harvest is unlikely.

**Statutory authority for adoption:**  
RCWs 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.32.070, 77.32.090, 77.32.370 and 77.32.530

**Statute being implemented:**  
RCWs 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.32.070, 77.32.090, 77.32.370 and 77.32.530

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife.  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Eric Gardner	Natural Resources Building 1111 Washington St SE Olympia, WA 98501	(360) 902-2515
Implementation:	Eric Gardner	1111 Washington St SE Olympia, WA 98501	(360) 902-2515
Enforcement:	Steve Bear	1111 Washington St SE Olympia, WA 98501	(360) 902-2373

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No  
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: The rule proposal does not require a cost-benefit analysis.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025 (4).

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** April 23, 2019

**Name:** Scott Bird

**Title:** Rules Coordinator

**Signature:**

