

Summary Sheet

Meeting dates: November 1, 2019

Agenda item: Spring Black Bear Seasons and Regulations– Decision

Presenter(s): Anis Aoude, Game Division Manager, Wildlife Program

Background summary:

Department staff briefed the Commission on proposed amendments to WAC 220-415-080 Spring black bear special permits.

Staff recommendation:

- Adjust title for spring black bear special permit hunts so that the dates begin April 2020. The title will be as follows: 220-415-080 2020 Spring black bear special permits.
 - Added language to adjust the numbers of permits offered in:
 - Blue Creek, GMU 154 increased permits from 15 to 18
 - Dayton, GMU 162 increased permits from 15 to 18
 - Wenaha, GMU 169 increased permits 45 to 60
 - Mt. View, GMU 172 increased permits 15 to 24
 - Lick Creek, GMU 175 increased permits 15 to 18
 - Added a new hunt area: Peola, GMU 178 with 5 permits.
 - Remove Kapowsin hunt area.
 - Technical edit to list GMU 648 prior to GMU 638 under the Copalis Hunt Area to clarify that GMU 638 is where the U.S. Forest Service lands are excluded.
 - Added language to include a mandatory reporting of harvest within 72 hours of kill and mandatory pelt check, with evidence of sex, for sealing within five days of notification of kill. This is in addition to the submission of the first premolar.
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Policy issue(s) and expected outcome:

- Remove the 2019 season from the current rule as the 2019 season has ended.
 - Permit numbers have been adjusted to encourage hunters in areas where harvest distribution is needed.
 - Require a mandatory check of harvested bears to a) improve harvest reporting, b) improve the quality of the harvest data, and c) provide a better understanding of the spring harvest.
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Fiscal impacts of agency implementation:

No fiscal impacts beyond the status quo and staff time being directed to conducting pelt checks, biological sample collection and monitoring the reporting system data.

Public involvement process used and what you learned:

The department posted draft proposed rules on the WDFW website for a 30-day review and comment period. The comment period was prior to the October Fish and Wildlife Commission meeting. The department collected public testimony at the October 18-19, 2019 Commission meeting and public hearing.

Action requested and/or proposed next steps:

Adopt WAC 220-415-080.

Draft motion language:

I move to adopt WAC 220-415-080 as presented.

Justification for Commission Action:

To provide sustainable hunting opportunities, consistent with achieving management objective.

Post decision communications plan:

WDFW Website

News Release

Spring Hunting Regulations Pamphlet

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

WAC 220-415-080 2020 Spring black bear special permits.

Written Supporting Comments:

There were 139 (138 online and 1 letter) comments submitted for this WAC proposal. Forty-two (42) comments were in support of the proposed changes. Most individuals (23) stated “generally agree” and provided no additional comment. Eighteen individuals provided additional comments which included five opposing the pelt sealing requirement, thirteen stating a need for increasing opportunity, expressing disappointment in the loss of the Kapowsin hunt area, and or suggesting other areas for spring bear special permit hunts.

Written Opposing, Neutral, and Other Comments:

There were ninety-six comments. Eleven (11) were neutral, sixty-six (66) opposed, or other (19). Within the ninety-six, twenty-six of these commenters were not in favor of the mandatory pelt check, with evidence of sex. Most stated it wasn’t necessary or it was too onerous on the hunter. Eighteen expressed concerns over lost opportunity, particularly on the west side with the removal of the Kapowsin hunt area. Eighteen others opposed but did not provide additional comment. Sixteen individuals did not state a response and were categorized as “other”. Two individuals (1 neutral, 1 opposed) expressed concern over losing hunters interested in spring bear special permits. One commented on potential for orphaning cubs. One additional commenter expressed a need for outreach to hunters on salvaging harvested meat

Fish and Wildlife Commission Hearing, Public Comments:

The department heard verbal testimony in opposition of the permit increases in region 1 and in favor of the mandatory check in from one person representing the Center for Biological Diversity.

Rationale-Agency Action Regarding Comments:

The department will move forward with the recommendations to the Fish and Wildlife Commission. The increase in permits in the southeastern areas were initiated based on the intent to have hunters focus on bears in elk calving areas, which may be beneficial to early elk calf survival. Further, the spring bear harvest statistic (% females in harvest, male and female tooth age) indicated an increase in permits is not expected to negatively affect bear populations or stability in the area. Based on the five-year average harvest rate/permit/GMU the proposed number of permits is predicted to result in approximately seven additional bears for the spring special permit harvest. The department believes pelt sealing, with evidence of sex, will a) improve harvest reporting, b) improve the quality of the harvest data, and c) provide a better understanding of the sex and age classes harvested during the spring special permits. Because the spring bear tags (approximately 580) are under a special permit, and the pelt checks would be conducted similar to the general season cougar carcass checks, the department

anticipates the sealing requirement to be easily managed by staff without difficulty for the hunter. Additionally, the proposed process will allow for weekend harvests to be reported and pelt checking within five days to allow for checking to occur during the following business week. The mandatory pelt check, with evidence of sex, will assist the department in accurately monitoring the number of female bears harvested and cross referencing those to breeding or non-breeding age individuals; which further informs the decision-making for setting spring special permit numbers.

AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

WAC 220-415-080 ((2019-2020)) 2020 Spring black bear special permits. It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280, depending on the circumstances of the violation.

Who May Apply: Anyone with a valid Washington big game license, which includes black bear as a species option.

Hunt Areas, Permit Levels, and Season Dates for Each License Year:

Hunt Name	Hunt Area	Permits	Season Dates
Sherman	GMU 101 Note: Mandatory bear identification test required.	50	April 1 - June 15
Kelly Hill	GMU 105 Note: Mandatory bear identification test required.	50	April 1 - June 15
Douglas	GMU 108 Note: Mandatory bear identification test required.	40	April 1 - June 15
Aladdin	GMU 111 Note: Mandatory bear identification test required.	50	April 1 - June 15
49 Degrees North	GMU 117 Note: Mandatory bear identification test required.	100	April 1 - June 15
Huckleberry	GMU 121	100	April 1 - June 15
Blue Creek	GMU 154	((45)) 18	April 15 - June 15
Dayton	GMU 162	((45)) 18	April 15 - June 15
Tucannon	GMU 166	5	April 15 - June 15
Wenaha	GMU 169	((45)) 60	April 15 - June 15
Mt. View	GMU 172	((45)) 24	April 15 - June 15
Lick Creek	GMU 175	((45)) 18	April 15 - June 15
Peola	GMU 178	5	April 15 - June 15
Couse	GMU 181	((4)) 5	April 15 - June 15
Grande Ronde	GMU 186	5	April 15 - June 15
Kitsap	GMU 627	5	April 15 - May 31
Mason	GMU 633	5	April 15 - May 31
Bear River	GMU 681	20	April 15 - May 31
Long Beach	GMU 684	12	April 15 - May 31
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, Weyerhaeuser-Columbia Timber Lands, and Grandy Lake Timber company. Note: Mandatory bear identification test required.	30	April 15 - June 15
Copalis	GMU 642, ((638)) 648, and ((648)) 638 (excluding U.S. Forest Service lands).	50	April 15 - June 15
((Kapowsin	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management, Hampton, and Olympic Resource Management.	150	April 15 - June 15))

Bag Limit: One black bear per black bear special permit season.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to apply for a spring

black bear special permit. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

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

Other Requirements: Hunters that are selected 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.

Harvest Check, Submitting Biological Samples and Bear Teeth: All successful bear hunters must validate (notch) their bear tag, notify the department within 72 hours of kill (excluding legal state holidays), provide the hunter's name, date and location of kill, and sex of animal. The raw pelt, evidence of sex, and the first premolar must be presented to an authorized department employee for sealing within 5 days of notification of kill. All permit hunters must comply with harvest reporting and submission of biological samples ((including the black bear premolar located behind the canine tooth of the upper jaw)) as described above. Failure to comply with the submission of biological samples is a misdemeanor pursuant to RCW 77.15.280.



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: August 30, 2019

TIME: 9:29 AM

WSR 19-18-050

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 19-13-096 on June 19, 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 220-415-080 2019-2020 Spring black bear special permits.

Hearing location(s):

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

October 18-19, 2019	8:00 a.m.	Natural Resources Building Room 172 1111 Washington Street SE Olympia, WA 98501	
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Date of intended adoption: November 1, 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/GBQYXCN>

By (date) September 26, 2019

Assistance for persons with disabilities:

Contact Dolores Noyes

Phone: (360) 902-2346

Fax:

TTY: (360) 902-2207

Email: dolores.noyes@dfw.wa.gov

Other:

By (date) October 1, 2019

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

220-415-080 2019-2020 Spring black bear special permits.

The purpose of the proposed amendments are to align the rules with the appropriate season dates; increased permit numbers in areas where needed, open a new hunt area to address needs, and expand and improve upon information and biological samples collected from harvest bears through a pelt check (with evidence of animal sex included).

- Adjusted years for spring black bear special permit hunts beginning April 2020 and commencing June 2020. The title will be as follows: 220-415-080 2020 Spring black bear special permits
- Added language to adjust the numbers of permits offered in:
 - Blue Creek, GMU 154 increased permits from 15 to 18
 - Dayton, GMU 162 increased permits from 15 to 18

- Wenaha, GMU 169 increased permits 45 to 60
- Mt. View, GMU 172 increased permits 15 to 24
- Lick Creek, GMU 175 increased permits 15 to 18
- Added a new hunt area: Peola, GMU 178 with five permits
- Remove Kapowsin hunt area
- Technical edit to list GMU 648 prior to GMU 638 under the Copalis Hunt Area to clarify that GMU 638 is where the U.S. Forest Service lands are excluded

Added language to include a mandatory reporting of harvest within 72 hours of kill and mandatory pelt check, with evidence of sex, for sealing within five days of notification of kill. This is in addition to the submission of the first premolar.

Reasons supporting proposal: The change in title is editorial and clarifies the 2020 special permit hunts. Similarly, the edit to list GMU 648 prior to GMU 638 is to ensure hunters understand that the excluded Forest Service Lands are located in GMU 638. The changes in permit numbers for GMUs 154, 162, 169, 172, and 175 are intended to further distribute bear harvest between fall and spring and to encourage harvest in areas where deemed appropriate. The department was requested to remove Kapowsin hunt area by the managing land owners. The Peola Hunt Area is being proposed because the department has recorded low numbers (often zero) of harvest in this area and determine it necessary to encourage hunter to utilize this area of the Black Bear Management Unit so as to further distribute harvest. The intent of the mandatory check of harvested bears is to a) improve harvest reporting, b) improve the quality of the harvest data, and c) provide a better understanding of the spring harvest. The pelt checks would be conducted similar to the cougar checks; where a variety of staff would be able to conduct the check. The proposal provides a 72-hour period after harvest for the hunter to report and an additional five days after reporting to have the pelt checked by department staff. This process will allow for weekend harvests to be reported and or pelt checking to occur during the following business week.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

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	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).

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: August 30, 2019

Name: Jacalyn M. Hursey

Title: Rules Coordinator

Signature:

