Spring Bear – Decision

WAC 220-415-080 Spring black bear special permits

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Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

March 18, 2022

Agenda item:

Spring Bear – Decision

Presenter(s):

Stephanie Simek, Ph.D. Carnivore, Furbearer, Small Game Section Manager, Wildlife Program

Background summary:

Department staff briefed the Commission on proposed rule amendments to WAC 220-415-080 2021 Spring black bear special permits.

Purpose of the proposal and its anticipated effects:

The proposed rule amendments, if adopted, would put in place an annual spring black bear special permit hunt season and would fulfill WDFW's mandate to maximize the public recreational hunting opportunities while also conserving the wildlife resources in a manner that does not impair the resource. These annual hunts would make available a limited number of permits in specific areas, as compared to the general fall black bear season. These hunts, if the proposal is adopted, also would use harvest as a tool to apply additional hunting pressure and human presence in an effort to help address (or provide ancillary benefit to) other management issues such as commercial timber damage and reduce bear densities in areas of high negative human-bear interactions or where ungulate neonate survival is low.

The proposed changes:

- 1) Striking 2021 in the title and adjusting the season dates to May 1 June 15;
- 2) Modifying permit numbers in an area where needed, reducing the number of permits in Hunt Unit 684 (Long Beach) from 10 permits to 6 permits;
- 3) Adding a provision to prohibit the harvest/take of female black bear accompanied by offspring and prohibiting the harvest of offspring and defining offspring as less than one year old or less than 50 pounds.
- 4) Under Harvest check, submitting biological samples and bear teeth,
 - (a) Replace the title of this subsection with the following:

Harvest check and inspection (collection of biological samples);

(b) Add language under the Harvest check and inspection subsection:

All successful bear hunters must validate (notch) their bear tag consistent with WAC 220-413-020, 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 unfrozen raw pelt, with evidence of sex attached, and the first premolar must be presented to an authorized department employee for inspection within five days of notification of kill. All permit hunters must comply with harvest reporting and submission of biological samples as described above. Failure to comply with harvest reporting and submission of biological samples is a misdemeanor pursuant to RCW 77.15.280.

Replace the text above with the following:

All successful bear hunters must validate (notch) their bear tag consistent with WAC 220-413-020. All successful bear hunters must notify the department within 72 hours of harvest (excluding legal state holidays) and schedule their harvest inspection. The unfrozen raw pelt, with evidence of sex and skull attached must be presented to an authorized department employee for inspection within five days of notification of kill. All permit hunters must comply with harvest reporting and inspection as described above. Failure to comply is a misdemeanor pursuant to RCW 77.15.280.

Reasons supporting proposal:

- 1) Date changes: On January 21, the Fish and Wildlife Commission voted in response to a rule making petition to initiate rulemaking to amend WAC 220-415-080 with a proposal to remove from the title the year "2021." If the proposed rule is adopted, WDFW would be carrying forward a long-standing spring recreational hunting opportunity of black bears on an annual basis. A central part of WDFW's legislative mandate is to provide sustainable recreational hunting opportunity. Spring bear special permit hunts are one of a very limited number of spring hunting opportunities and there is very strong interest from hunters for the limited spring bear hunting permits. Washington State black bear population is robust and an annual spring hunt with approximately 664 permits is sustainable. The April 15 to May 1 proposed change would accommodate WDFW staff's administrative need for additional time to implement the distribution of permits in spring 2022 if the proposal is adopted.
- 2) Permit numbers in GMU 684: The reason for the proposed amendment to the hunt in unit area 684 is human safety. The hunt is implemented to discourage human-bear conflicts by providing hunting pressure. Due to the difficulties in finding bear hunting access and to avoid overcrowding in those limited areas where hunting was allowed, a reduction in permit numbers in unit area 684 is needed. Based on harvest records, the proposed change is unlikely to impact the resulting harvest.
- 3) Take prohibition: Adding the provision to prohibit harvest/take of female bears with offspring and offspring less than one year old or under 50 lbs. will align Washington with other western states and provinces that offer spring bear hunts. While challenging to enforce, previous public input expressed a sentiment of concern about orphaning cubs. The definition of offspring is intended clearly identify the conditions by which an animal is considered an offspring.

- 4) Hunter check and inspection: WDFW has proposed edits to clarify the requirements for the harvest check and inspection in the WAC, which if adopted would provide specificity as to how and when such pelt and head inspections would occur.
 - (a) The heading change identifies the components required of the hunter, which are harvest check and carcass inspection,
 - (b) The additional language related to the animal inspection is intended to direct hunters that the pelt and head must be unfrozen and that the evidence of sex and head must be attached. The revised language further directs hunters that they must call within 72 hours to schedule the inspection of the animal for collection of tooth and biological information.

Staff recommendation:

Recommend adoption of the rules as presented by Department staff.

Policy issue(s) and expected outcome:

The changes to the rules above were discussed in the March FWC meeting.

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

On February 1, 2022, WDFW filed a CR-102, initiating public comment. The public was asked to provide input on the proposed changes to WAC 220-415-080 via the department's website. The department has emailed over 40,000 subscribers notifying them of the website survey and encouraging them to participate. Also, the department issued a news release and postings on social media.

Notification was made to individuals and organizations informing them of the opportunity to provide comments on the proposed regulation amendments. At the March 11, 2022, commission meeting online, the Commission and Department staff held public comments.

Please see the associated public comment form.

Action requested and/or proposed next steps:

Recommend adoption of the rules as presented by Department staff.

Draft motion language:

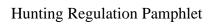
Motion: I move to adopt the recommended rule changes as presented by Department staff.

Is there a "second"?

If so, then motion maker discusses basis for the motion; other Commissioners discuss views on motion, amendments, if any, proposed and addressed.

Post decision communications plan:

Washington Department of Fish and Wildlife Website New Release



Form revised 1-20-21

Summary of Public Comments Received During the Official Comment Period and WDFW Response: (Note: one WAC per page)

WAC 220-415-080

The Department received public comment through online survey, form letters sent to the Commission, emails, emails with letters attached, paper surveys, voicemail, and public comment submissions for the Commission briefing. In total over 26,000 comments were received. The comments represented both those in favor and those oppose to the rule. A subset of submissions offered alternative language for different segments of the rule. There were numerous comments that made statements unrelated to the rule. Many of the online comments were form letter submissions. Additionally, there were several occasions where multiple submissions were made by a single individual (e.g., over 500 submissions by one person). Some commenters further outlined concerns regarding the process, policy, the scientific data, intent of the Game Management Plan, value of hunting, and opposition to hunting.

Common themes of those in support included:

- Family experience, traditions, and heritage
- Benefit to wildlife (bears and other wildlife)
- Sustainable, robust population, science supports it
- North American model of Wildlife Conservation
- Provides food for families
- Limited and regulated hunt
- General support

Common themes of those opposed included:

- Oppose bear hunting
- Oppose all hunting
- Cub mortality/lethargic bears
- No/lack science to support the hunt
- No spring hunting
- Trophy hunts/unethical
- General opposition

Additional comments included:

- Move to general, over-the-counter tag
- Allow recreationists to enjoy the spring

- Concern over environmental factors: climate change, habitat changes, fire
- Concern for losing hunting heritage
- Follow commission and department mandate
- Concern regarding the removal of the year from the title
- Concerns over the process
- Concerns over the lack of understanding wildlife management
- Timber damage
- Human-bear conflict

Other notes: many commenters expressed issues regarding methods that are not authorized in Washington such as hunting with dogs and use of bait. Others referenced allowing hunting in identified "bear sanctuaries" and "refuges"; which Washington does not have any designated bear sanctuaries or refuges.

AMENDATORY SECTION (Amending WSR 21-02-015, filed 12/28/20, effective 1/28/21)

WAC 220-415-080 ((2021)) 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 15)) <u>May 1</u> - June 15
Kelly Hill	GMU 105 Note: Mandatory bear identification test required.	50	((April 15)) <u>May 1</u> - June 15
Douglas	GMU 108 Note: Mandatory bear identification test required.	40	((April 15)) <u>May 1</u> - June 15
Aladdin	GMU 111 Note: Mandatory bear identification test required.	50	((April 15)) <u>May 1</u> - June 15
49 Degrees North	GMU 117 Note: Mandatory bear identification test required.	100	((April 15)) <u>May 1</u> - June 15
Huckleberry	GMU 121	100	((April 15)) <u>May 1</u> - June 15
Blue Creek	GMU 154	18	((April 15)) <u>May 1</u> - June 15
Dayton	GMU 162	18	((April 15)) <u>May 1</u> - June 15
Tucannon	GMU 166	5	((April 15)) <u>May 1</u> - June 15
Wenaha	GMU 169	60	((April 15))

Hunt Name	Hunt Area	Permits	Season Dates
			May 1 - June 15
Mt. View	GMU 172	24	((April 15)) <u>May 1</u> - June 15
Lick Creek	GMU 175	18	((April 15)) <u>May 1</u> - June 15
Peola	GMU 178	5	((April 15)) <u>May 1</u> - June 15
Couse	GMU 181	5	((April 15)) <u>May 1</u> - June 15
Grande Ronde	GMU 186	5	((April 15)) <u>May 1</u> - June 15
Kitsap	GMU 627	5	((April 15)) <u>May 1</u> - June 15
Mason	GMU 633	5	((April 15)) <u>May 1</u> - June 15
Bear River	GMU 681	20	((April 15)) <u>May 1</u> - June 15
Long Beach	GMU 684	((10)) <u>6</u>	((April 15)) <u>May 1</u> - June 15
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber company. Note: Mandatory bear identification test required.	30	((April 15)) <u>May 1</u> - June 15
Copalis	GMU 642, 648, and 638 (excluding U.S. Forest Service lands).	50	((April 15)) <u>May 1</u> - 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.

female black bear with offspring: It is unlawful to harvest/take a

female black bear accompanied by one or more offspring or harvest/take

offspring. Offspring are defined as less than one year old or less
than 50 pounds.

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.

Inspection (collection of biological samples): All successful bear hunters must validate (notch) their bear tag consistent with WAC 220-413-020((7)). All successful bear hunters must notify the department within 72 hours of kill (excluding legal state holidays)((7 provide the hunter's name, date and location of kill, and sex of animal)) and schedule their inspection. The unfrozen raw pelt, with evidence of sex and skull attached((7 and the first premolar)) must be presented to an authorized department employee for inspection within ((5)) five days

of notification of kill. All permit hunters must comply with harvest reporting and ((submission of biological samples)) inspection as described above. Failure to comply ((with the submission of biological samples)) is a misdemeanor pursuant to RCW 77.15.280. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-02-015 (Order 20-270), § 220-415-080, filed 12/28/20, effective 1/28/21. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 19-22-061 (Order 19-275), § 220-415-080, filed 11/5/19, effective 12/6/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-080, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, and 77.32.070. WSR 17-19-088 (Order 17-253), § 220-415-080, filed 9/19/17, effective 10/20/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-415-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-286,

filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-066 (Order 15-99), § 232-28-286, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-28-286, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-12-006 (Order 12-90), § 232-28-286, filed 5/23/12, effective 6/23/12; WSR 11-16-015 (Order 11-167), § 232-28-286, filed 7/22/11, effective 8/22/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, and 77.32.530. WSR 10-10-061 and 11-02-044(Orders 10-94 and 10-94A), § 232-28-286, filed 4/30/10 and 12/30/10, effective 5/31/10 and 1/30/11. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 09-09-082 (Order 09-52), § 232-28-286, filed 4/15/09, effective 6/16/09; WSR 08-01-052 (Order 07-292), § 232-28-286, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 07-01-049 (Order 06-300), § 232-28-286, filed 12/14/06, effective 1/14/07; WSR 06-11-030 (Order 06-90), § 232-28-286, filed 5/8/06, effective 6/16/06.]

PROPOSED RULE MAKING



CR-102 (December 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: February 01, 2022

TIME: 12:55 PM

WSR 22-04-107

Agency: Washington Department of Fish and Wildlife (WDFW) P22-05				
⊠ Original Notice				
☐ Supplemental Noti	ce to WSR			
☐ Continuance of W	SR			
☐ Preproposal Stater	ment of Inqu	uiry was filed as WSR; or		
☐ Expedited Rule Ma	kingPropo	osed notice was filed as WSR	; or	
⊠ Proposal is exemp	t under RC\	W 34.05.310(4) or 34.05.330(1)	; or	
□ Proposal is exemp				
Title of rule and other identifying information: (describe subject) WAC 220-415-080 Spring black bear special permits.				
Hearing location(s):				
Date:	Time:	Location: (be specific)	Comment:	
March 11, 2022	8:00 a.m.	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at http://wdfw.wa.gov/about/commission/meetings or	
Date of intended ador	contact the Commission office at (360) 902-2267. Date of intended adoption: March 18, 2022 (Note: This is NOT the effective date)			
Submit written comm		(1101. 1110.	io onoditto dato,	
Name: Wildlife Program Address: PO Box 43200, Olympia, WA. 98504 Email: 2022SpringBearPetition102@PublicInput.com Fax: Voicemail Public Comment: 855-925-2801 project code: 6453 Other: https://publicinput.com/2022SpringBearPetition102 By (date) March 12, 2022				
Assistance for persons with disabilities:				
Contact Title VI/ADA Compliance Coordinator Phone: (360) 902-2349, TTY (711) Fax: TTY: (360) 902-2349, TTY (711) Email: Title6@dfw.wa.gov Other: By (date) March 12, 2022				

The purpose of the to carry forward a amendments are geographically for as human-bear comproposing to remobears with offspring 50 pounds. The panticipated effect 664 hunters who is	ne proposed amendment long-standing spring adopted, WDFW would cused spring hunting conflict, commercial time ove the year from the tang and prohibiting the proposed amendments of the proposed amendments.	Eipated effects, including any changes in existing rules: ents to WAC 220-415-080, currently titled "2021 Spring black recreational hunting opportunity of black bears on an annual dissue a limited number of spring bear special hunting periof black bear, that can in some instances help address other ber damage or concerns for ungulate species neonate recreitle of WAC 220-415-080, and to add a stipulation prohibiting harvest of offspring. Offspring would be defined as less that also include minor modifications to harvest and inspection adments, if approved, would be a limited, annual hunting op VDFW anticipates approximately 145 black bears would be prefunity.	k bear special permits", is all basis. If the proposed mits each year for r management issues such uitment. WDFW is ag harvest of female black in one year old or less than procedures. The portunity for approximately
Reasons sunnor	rting proposal: On Ja	nuary 21, the Fish and Wildlife Commission voted in respor	se to a rule making
petition to initiate rulemaking to amend WAC 220-415-080 with a proposal to remove from the title the year "2021." A central part of WDFW's legislative mandate is to provide sustainable recreational hunting opportunity. Spring bear special permit hunts are one of a very limited number of spring hunting opportunities and there is very strong interest from hunters for the limited spring bear hunting permits. Washington State black bear population is robust and an annual spring hunt with approximately 664 permits is sustainable. WDFW is proposing a reduction in permit numbers for hunt unit 684 (from 10 to 6 compared to 2021) in order to reduce crowding on the limited accessible areas of mostly private land. Removing the year from the title would minimize the need for annual rulemaking unless hunt areas or permit levels need adjustment. The addition of a prohibition on the harvest of offspring and females with offspring would minimize the potential of orphaning cubs. The edits to the language related to animal inspection would clarify to hunters the components necessary for harvest check and inspection. The proposed revisions clearly state that the pelt and head must be unfrozen and that evidence of sex and the head must be attached to the pelt. Further the proposed edits would assist WDFW staff's implementation of the rule by adding a requirement that a successful hunter schedule an inspection with WDFW staff within 72 hours of the harvest.			
Statutory author	ity for adoption: RCV	Ns 77.04.012, 77.04.055, 77.12.047.	
	ny for adoption. Rov	77.04.012, 77.04.000, 77.12.047.	
Statute being im	plemented: RCWs 77	7.04.012, 77.04.055, and 77.12.047.	
Is rule necessary	y because of a:		
Federal Lav	w?		□ Yes ⊠ No
Federal Co	ourt Decision?		□ Yes ⊠ No
State Court	t Decision?		□ Yes ⊠ No
If yes, CITATION:	,		
Agency commen matters: None.	nts or recommendation	ons, if any, as to statutory language, implementation, e	iforcement, and fiscal
Name of propone	ent: (person or organi:	zation) Washington Department of Fish and Wildlife	□ Private□ Public☑ Governmental
Name of agency	personnel responsib	ole 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 distri	-	ement required under RCW 28A.305.135?	□ Yes ⊠ No

•	olic may obtain a copy of the school district fiscal	impact s	tatement by contacting:
	lame:		
	hone:		
	ax:		
	TY:[
	mail:		
	Other:		
Is a cost-b	enefit analysis required under RCW 34.05.328	3?	
	A preliminary cost-benefit analysis may be obta		contacting:
N	lame:		
	ddress:		
	hone:		
	ax:		
	TY:		
	Other:		
⊠ No:	Please explain: This proposal does not require	a cost b	enefit analysis under RCW 34.05.328.)
[—]			,,
	/ Fairness Act Cost Considerations for a Sma		•
chapter 19.	85 RCW). Please check the box for any applicab	ole exem	• • • •
			RCW 19.85.061 because this rule making is being
			lations. Please cite the specific federal statute or describe the consequences to the state if the rule is not
adopted.	This rule is being adopted to comonn or comply w	illi, allu (describe the consequences to the state if the rule is not
	d description:		
			e the agency has completed the pilot rule process
1 1	RCW 34.05.313 before filing the notice of this pro	•	
1 1	e proposal, or portions of the proposal, is exemper a referendum.	t under th	ne provisions of RCW 15.65.570(2) because it was
☐ This rule	e proposal, or portions of the proposal, is exemp	t under F	RCW 19.85.025(3). Check all that apply:
	RCW 34.05.310 (4)(b)		RCW 34.05.310 (4)(e)
. ,	(Internal government operations)	. ,	(Dictated by statute)
	RCW 34.05.310 (4)(c)		RCW 34.05.310 (4)(f)
1 1	(Incorporation by reference)	[]	(Set or adjust fees)
	RCW 34.05.310 (4)(d)		RCW 34.05.310 (4)(g)
l J	(Correct or clarify language)	l J	((i) Relating to agency hearings; or (ii) process
	(11 11 11 11 11 11 11 11 11 11 11 11 11		requirements for applying to an agency for a license
			or permit)
	e proposal, or portions of the proposal, is exemp	t under F	RCW 19.85.025 (4).
Explanatior businesses		is for red	creational hunting opportunity and does not affect small
	COMPLETE THIS SECTION (ONLY IF	NO EXEMPTION APPLIES
If the propo	sed rule is not exempt , does it impose more-tha	an-minor	costs (as defined by RCW 19.85.020(2)) on businesses?
[□] N o	Briefly summarize the agency's analysis showi	ng how o	costs were calculated.
□ Yes	Calculations show the rule proposal likely impo	ses mor	e-than-minor cost to businesses, and a small business
L J	ic impact statement is required. Insert statement		•
The	public may obtain a copy of the small business e	conomic	impact statement or the detailed cost calculations by
conta	acting:		mpact statement of the detailed eoof ealediations by
N	lame:		

Address:	
Date: February 1, 2022	Signature:
Name: Annie Szvetecz	1 12 -
Title: MDFW Rules Coordinator	and me