

**4. SPRING BLACK BEAR SEASONS – RULE ACTION**

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## “GREEN SHEET”

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**Meeting:** December 7-8, 2007

**Agenda Item 4:** Amend WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations – **Rule Action**

**Prepared By:** Donny Martorello, Ph.D.

**Presented By:** Dave Ware, Game Division Manager, Wildlife Program

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**Background:**

The Fish and Wildlife Commission began implementing spring black bear hunts in western Washington in 2006. The purpose of the hunts is to reduce tree damage caused by bears during the spring. Currently, the Department of Natural Resources (DNR), Hancock Timber Management, and the Rayonier timber company participate in the spring bear damage hunt program.

DNR and several private timber companies have expressed interest in expanding spring bear hunting in Region 4. The Department has discussed the proposal with these landowners and is recommending adding two new spring bear hunts. The first new area being proposed is in GMU 448 and is known as the "Monroe Unit" which includes adjoining lands owned by DNR and Longview Timber Lands with 25 permits. The second new area being proposed is in GMU 418 on lands owned by DNR (Harry Osbourne Forest), Sierra Pacific, and Grandy Lake Timber Company. This unit is named "North Skagit" with 20 permits.

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**Policy Issue(s) you are bringing to the Commission for consideration:**

- Establish spring bear hunts in a portion of GMU 418 with 20 permits and a portion of GMU 448 with 25 permits.
  - Reduce local bear populations to address tree damage by bears.
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**Public involvement process used and what you learned:**

These proposed recommendations were mailed to approximately 450 organizations and individuals in September for their review and consideration. These organizations and individuals were also informed of the opportunity to provide public testimony at the November 2-3, 2007 Commission meeting in Chelan.

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**Action requested (identify the specific Commission decisions you are seeking):**

Amend WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations, as presented.

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**Draft motion language:**

I move to amend WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations, as proposed.

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**Justification for Commission action:**

Spring black bear damage seasons are used to minimize damage to trees by reducing bear populations to a lower but sustainable level.

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AMENDATORY SECTION (Amending Order 06-300, filed 12/14/06, effective 1/14/07)

**WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations.**

**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 <sup>b</sup>
Sherman	GMU 101	15	April 15 – May 31
Kelly Hill	GMU 105	10	April 15 – May 31
Douglas	GMU 108	5	April 15 – May 31
Aladdin	GMU 111	10	April 15 – May 31
49 Degrees North	GMU 117	15	April 15 – May 31
Huckleberry	GMU 121	15	April 15 – May 31
Blue Creek	GMU 154	30	April 15 – May 31
Dayton	GMU 162	22	April 15 – May 31
Tucannon	GMU 166	7	April 15 – May 31
Wenaha	GMU 169	45	April 15 – May 31
Mt. View	GMU 172	22	April 15 – May 31
Lick Creek	GMU 175	22	April 15 – May 31
Grande Ronde	GMU 186	7	April 15 – May 31
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber company.	20	April 15 – May 31
Monroe	That portion of GMU 448 that is designated as the hunt area by DNR and Longview Timber Lands.	25	April 15 – May 31
Copalis <sup>a</sup>	That portion of GMU 642 that is designated as the hunt area by Rainier Timber Company.	100	April 15 – June 15
Kapowsin <sup>a</sup>	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management	100	April 15 – June 15
Capitol Forest <sup>a</sup>	That portion of Capitol Forest within GMU 663	50	April 15 – June 15

<sup>a</sup>Spring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees.

<sup>b</sup>Permits are valid for the license year they are issued.

**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 hunt black bear. 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.

**Submitting bear teeth:** Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

**RECOMMENDED ADJUSTMENTS**

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

**Page 1**

- Change the hunt area for North Skagit from “That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, Longview Fiber, and Blodel Timber companies” to “That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber Company.” These changes were made because Longview Timber Lands and Blodel Timber companies decided not to participate in the spring bear hunt within the North Skagit hunt area at this time.
- Change the hunt area for Monroe from “That portion of GMU 448 that is designated as the hunt area by DNR, Green Crow, and Longview Fiber” to “That portion of GMU 448 that is designated as the hunt area by DNR and Longview Timber Lands.” These changes were made because Green Crow has decided not to participate in the spring bear hunt at this time and the correct name is Longview Timber Lands, not Longview Fiber.
- Change the permit level for Monroe from 30 to 25. This change was made because the landowners and the Department reached mutual agreement on 25 permits.



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 07-16-128 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

**Title of rule and other identifying information:** (Describe Subject)

WAC 232-12-068 Nontoxic shot requirements  
 WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits  
 WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations  
 WAC 232-28-294 Multiple season big game permits  
 WAC 232-28-299 Mandatory report of hunting activity  
 WAC 232-28-337 Deer and elk area descriptions

**Hearing location(s):**  
 Campbell's Resort on Lake Chelan  
 104 West Woodin  
 Chelan, WA 98816  
 (509) 682-2561

Date: November 2-3, 2007 Time: 8:00 am

**Submit written comments to:**  
 Name: Wildlife Program Commission Meeting Public Comments  
 Address: 600 Capitol Way North, Olympia WA 98501-1091  
 e-mail [Wildthing@dfw.wa.gov](mailto:Wildthing@dfw.wa.gov)  
 fax (360) 902-2162

By: Monday, October 15, 2007

**Assistance for persons with disabilities:**  
 Contact: Susan Yeager by October 31, 2007  
 TTY (800) 833-6388 or (360) 902-2267

**Date of intended adoption:** December 7-8, 2007  
 (Note: This is **NOT** the effective date)

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

**Reasons supporting proposal:**  
 See attachment A

**Statutory authority for adoption:** 77.12.047; 77.12.020

**Statute being implemented:** 77.12.047; 77.12.020

**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:

**DATE**  
 September 18, 2007

**NAME**  
 Lori Preuss

**SIGNATURE**

**TITLE**  
 Rules Coordinator

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: **September 18, 2007**  
 TIME: **4:21 PM**

**WSR 07-19-099**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent: (person or organization)**

Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Dave Brittell	Natural Resources Building, Olympia	(306) 902-2504
Implementation.... Dave Brittell	Natural Resources Building, Olympia	(360) 902-2504
Enforcement..... Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

These rules regulate recreational hunters and do not directly regulate small business.

**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 ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: Not hydraulics rules.

## ATTACHMENT A

### **WAC 232-12-068 Nontoxic shot requirements**

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

Current rules require non-toxic shot to be used for upland bird hunting at a variety of locations in the state. Most WDFW wildlife areas where non-toxic shot is required are areas associated with pheasant release program. A new pheasant release site in Chinook, Washington (Pacific County) was added to the program. The Chinook release site is used by waterfowl that may access spent shot during times of high surface water. The proposed rule change adds the Chinook release site to the list of areas where hunters are required to use non-toxic shot.

#### **Reasons supporting proposal:**

In areas where wildlife have a high probability of being exposed to spent shot from shotguns, the current rule requires the use of non-toxic shot. The Chinook release site has habitat conditions that can be conducive to waterfowl use.

### **WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits**

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

The Fish and Wildlife Commission has authorized several special raffles and auctions for a variety of game animals. The wild turkey raffle has historically had two winners; each receiving three raffle tags the authority to hunt from April 1 through May 31. Proposed changes include extending the turkey raffle permit season to include dates from September 1 through December 31, reducing the number of raffle winners from two to one and reducing the number of turkey raffle permits from six to three.

#### **Reasons supporting proposal:**

In order to make the wild turkey raffle more desirable, changes to what the winner receives are warranted. In addition, reducing the number of raffle tags used for turkey hunting, the Commission can authorize raffles more desirable game animals. The result of these changes should be increased hunter approval and increased revenue to the Department of Fish and Wildlife for management of game species.

### **WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations**

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

Establish spring bear damage hunt for black bear in portions of GMUs 418 and 448 with 20 and 30 permits, respectively. The anticipated effect is a slight decline in local bear populations to reduce tree damage caused by bears.

#### **Reasons supporting proposal:**

Spring black bear damage seasons are used to minimize damage to trees by reducing bear populations to a lower but sustainable level.

### **WAC 232-28-294 Multiple season big game permits**

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

This proposal would shorten the amount of time successful applicants for a multi-season permit would have to purchase their permit to allow for the sale of all permits prior to the first general seasons starting in September. It would also provide 50 multi-season deer and 25 multi-season elk permits to qualifying hunter education instructors.

#### **Reasons supporting proposal:**

Shortening the purchase time for successful applicants would make sure that more hunters would be able to purchase permits. Providing hunter education instructors with multiple season permits would be an incentive to recruit and retain instructors.

**WAC 232-28-299 Mandatory report of hunting activity**

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

To allow hunters adequate time to report their hunting activity for hunts that extend beyond the January 31 deadline.

**Reasons supporting proposal:**

Several special permit hunts and a few general season hunts extend beyond the January 31 deadline. This proposal would allow hunters to report within 10 days of the end of eligible hunts or January 31, whichever is later.

**WAC 232-28-337 Deer and elk area descriptions**

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

The purpose of the proposal is to allow the Department to continue to use Deer and Elk Areas to direct hunters to specific locations in situations that require management and harvest strategies to operate at a finer scale than the Game Management Unit level.

**Reasons supporting proposal:**

The proposed boundary amendments would help facilitate the Department's addressing deer and elk damage, controlling deer and elk populations, and improving the quality of deer and elk hunting for hunters.