

**11. BLACK BEAR SEASONS AND REGULATIONS – RULE BRIEFING AND PUBLIC HEARING**

TABLE OF CONTENTS

	<u>Page</u>
Decision Page .....	<i>i</i>
WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations .....	1
Recommended Adjustments to WAC 232-28-286 .....	3
WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations .....	4
Recommended Adjustments to WAC 232-28-288 .....	6
Summary of Written Public Input.....	7
Summary of Oral Public Input.....	8
CR-102.....	9

## “GREEN SHEET”

---

**Meeting:** April 9-10, 2010

**Agenda Item11:** Black Bear Seasons and Regulations – **Rule Action**

**Prepared By:** Donny Martorello

**Presented By:** Donny Martorello, Ph.D., Carnivore, Furbearer, and Special Species Section Manager, Wildlife Program

---

### **Background:**

At the March 12-13, 2010 Commission Meeting, Department staff briefed the Commission on proposed rule amendments to WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations and the proposed adoption of WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations.

#### **a) Fall Bear Seasons (WAC 232-28-288)**

In addition to trends in total bear harvest, the Department uses trends in the median ages of harvested bears and the percentage of females in the total harvest as indicators of the status of bear populations (consistent with 2009-2015 Game Management Plan). This data suggests the bear hunting seasons need to be more conservative in three of nine Black Bear Management Units: South Cascades, Okanogan, and Northeastern. As such, the Department is recommending status quo seasons with the following exceptions:

- South Cascades Bear Management Unit – Open August 14 rather than August 1.
- Okanogan Bear Management Unit – Open August 14 rather than August 1.
- Northeastern Bear Management Unit – Open GMUs 124-130 August 14 rather than August 1.

#### **b) Spring Bear Seasons (WAC 232-28-286)**

The objectives of spring bear hunts in eastern Washington are to better distribute the harvest geographically, minimize female take, and address nuisance and damage activity. Through time, the spring season has proven successful. To increase the benefit of the spring seasons, the Department is recommending expanding the spring bear hunting in the Blue Mountains (add GMU 181 with 4 permits) and increasing permits in northeastern Washington from 70 to 90.

The Fish and Wildlife Commission began implementing spring black bear hunts in western Washington in 2006. The purpose of these hunts is to reduce tree damage by bears during the spring. Currently, eight commercial timber landowners participate in the program. The Department is recommending reducing the season length in the Kapowsin Tree Farm unit from April 15-June 15 to April 15-May 15 based on discussions with the landowners. We are also recommending adding 25 permits to the Lincoln hunt and changing the season dates from April 15-May 31 to April 15-June 15.

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

- a) Establish 2010-2011 fall bear seasons; reduce fall bear seasons in three bear units.
  - b) Expand spring bear hunting in Blue Mountains and northeastern Washington; reduce spring bear season length on Kapowsin Tree Farm; and add permits in the Lincoln unit.
-

---

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

The Department briefed the Game Management Advisory Council on the status of bear populations and draft recommendations. Notification was mailed to approximately 450 organizations and individuals informing them of the opportunity to provide comments on the proposed regulations.

---

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

Amend WAC 232-28-286 and adopt 232-28-288 as proposed.

---

**Draft motion language:**

I move to amend WAC 232-28-286 and adopt 232-28-288 as proposed

---

**Justification for Commission action:**

To set fall black bear seasons for 2010 and spring black bear seasons for 2011 and 2012 consistent with population objectives and sustainability.

---

**Communications plan:**

- News Release
  - Hunting Pamphlets
  - Website
  - Washington State Register
-

AMENDATORY SECTION (Amending Order 09-52, filed 4/15/09, effective 6/16/09)

**WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations.**

It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280(1)(c).

**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	<del>15</del> 19	April 15 – May 31
Kelly Hill	GMU 105	<del>10</del> 13	April 15 – May 31
Douglas	GMU 108	<del>5</del> 7	April 15 – May 31
Aladdin	GMU 111	<del>10</del> 13	April 15 – May 31
49 Degrees North	GMU 117	<del>15</del> 19	April 15 – May 31
Huckleberry	GMU 121	<del>15</del> 19	April 15 – May 31
Blue Creek	GMU 154	15	April 15 – May 31
Dayton	GMU 162	15	April 15 – May 31
Tucannon	GMU 166	5	April 15 – May 31
Wenaha	GMU 169	45	April 15 – June 15
Mt. View	GMU 172	15	April 15 – May 31
Lick Creek	GMU 175	15	April 15 – May 31
<u>Couse</u>	<u>GMU 181</u>	4	<u>April 15 – May 31</u>
Grande Ronde	GMU 186	5	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, Green Crow, 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 Rayonier 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 and International Forestry.	150	April 15 – <del>((June))</del> <u>May 15</u>
Lincoln <sup>a</sup>	That portion of GMU 501 that is designated as the hunt area by participating commercial timber landowners.	<del>5075</del>	April 15 – <del>May-</del> <del>3-1</del> <u>June 15</u>
<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.

[Statutory Authority: RCW 77.12.047, 77.12.020. 09-09-082 (Order 09-52), § 232-28-286, filed 4/15/09, effective 6/16/09; 08-01-052 (Order 07-292), § 232-28-286, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. 07-01-049 (Order 06-300), § 232-28-286, filed 12/14/06, effective 1/14/07; 06-11-030 (Order 06-90), § 232-28-286, filed 5/8/06, effective 6/16/06.]

**WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations.**

**Recommended Adjustments**

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

**Page 1**

Insert the following language at the beginning of the rule: “It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280(1)(c).” The reason for the change is to clarify the penalties that may be invoked for violation of this rule.

**Pages 1 & 2**

Change the permit levels in the following hunt areas:

- GMU 101 from 15 to 19
- GMU 105 from 10 to 13
- GMU 108 from 5 to 7
- GMU 111 from 10 to 13
- GMU 117 from 15 to 19
- GMU 212 from 15 to 19
- GMU 501 from 50 to 75

The purpose of the change is to increase bear harvest to address nuisance and damage by bears.

**Page 2**

For the Lincoln hunt, change the season end date from May 31 to June 15. The reason for the change is because bear damage continues through mid-June and the purpose of the season is to remove bears during peak damage periods.

NEW SECTION

**WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations.**

It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280(1)(c).

<b>Black Bear Management Unit</b>	<b>Season</b>	<b>Hunt Area</b>
Coastal	Aug. 1 - Nov. 15, <u>2010</u> <u>Aug. 1 - Nov. 15, 2011</u>	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15, <u>2010</u> <u>Aug. 1 - Nov. 15, 2011</u>	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15, <u>2010</u> <u>Aug. 1 - Nov. 15, 2011</u>	GMUs 418-450, 460
South Cascades	Aug. 14 - Nov. 15, <u>2010</u> <u>Aug. 13 - Nov. 15, 2011</u>	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 14 - Nov. 15, <u>2010</u> <u>Aug. 13 - Nov. 15, 2011</u>	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15, <u>2010</u> <u>Aug. 1 - Nov. 15, 2011</u>	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	Sept. 1 - Nov. 15, <u>2010</u> <u>Sept. 1 - Nov. 15, 2011</u>	GMUs 101-121, 204
Northeastern B	Aug. 14 - Nov. 15, <u>2010</u> <u>Aug. 13 - Nov. 15, 2011</u>	GMUs 124-130
Blue Mountains	Sept. 1 - Nov. 15, <u>2010</u> <u>Sept. 1 - Nov. 15, 2011</u>	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15, <u>2010</u> <u>Aug. 1 - Nov. 15, 2011</u>	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	Sept. 1 - Nov. 15, <u>2010</u> <u>Sept. 1 - Nov. 15, 2011</u>	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.

**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.

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

[]

**WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations.**

**Recommended Adjustments**

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

**Page 4**

Insert the following language at the beginning of the rule: "It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280(1)(c)." The reason for the change is to clarify the penalties that may be invoked for violation of this rule.

Add status quo 2011 fall bear seasons with calendar date adjustments. The reason for the change is because the opening day of fall bear season in three units is a Saturday, thus needing a calendar date adjustment.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations.

<b>COMMENTS</b>	<b>AGENCY RESPONSE</b>
Allow increased harvest of black bears in the northeast GMU's, during spring and fall, to help fawn and calf survival.	We have proposed increasing the spring black bear permits in northeast Washington by 25% from 70 to 90 permits. However, it is unlikely that the results of this increase will have a measurable impact on fawn recruitment.

SUMMARY OF ORAL PUBLIC INPUT  
Testimony from the March 12-13, 2010 Commission Meeting.

WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations.

<b>COMMENTS</b>	<b>AGENCY RESPONSE</b>
Concerned about the reduced hunting opportunity in early August in the South Cascades Black Bear Management Unit.	The Department is recommending opening bear season in the South Cascades Black Bear Management Unit on August 14 rather than Aug 1 due to a long-term declining trend in the median ages of harvested female bears. The Department plans to review the data and revise the issue again during the next three-year hunting season package.



# 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

- Preproposal Statement of Inquiry was filed as WSR 09-24-111; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)  
Hunting Rules – See Attachment A

**Hearing location(s):**  
Natural Resources Building, Room 172  
1111 Washington Street SE  
Olympia, Washington 98501  
(360) 902-2515

**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

Date: March 12-13, 2010 Time: 8:00 am

By: Wednesday, February 24, 2010

**Date of intended adoption:** April 9-10, 2010  
(Note: This is **NOT** the effective date)

**Assistance for persons with disabilities:**

Contact: Susan Yeager by March 8, 2010

TTY (800) 833-6388 or (360) 902-2267

**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:** 77.012.040, 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530

**Statute being implemented:** 77.012.040, 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 03, 2010

TIME: 11:35 AM

**WSR 10-04-125**

**DATE**  
February 3, 2010

**NAME**  
Lori Preuss

**SIGNATURE**  
*Lori Preuss*

**TITLE**  
Rules Coordinator

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** <sup>10</sup>

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..... 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 220-55-115 Recreational License Dealer Fees**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
The proposed language allows hunters to replace lost permits at vendors statewide and reimburses vendors for the cost of providing supplemental permits.

**Reasons supporting proposal:**

Provide greater flexibility for hunters to replace lost permits.

### **WAC 232-12-047 Unlawful methods for hunting**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
The proposed language clarifies that handguns may be used for personal protection by all hunters. Hunters will have greater certainty on their rights to possess handguns for personal protection.

Moves crossbow regulations from the archery requirement rule to the unlawful methods for hunting rule.

**Reasons supporting proposal:**

Provide consistency with the U.S. Constitution and state law.

Crossbows are lawful under modern firearm seasons and not under archery seasons.

### **WAC 232-12-051 Muzzleloading firearms**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
The proposed language clarifies that handguns may be used for personal protection by all hunters. Hunters will have greater certainty on their rights to possess handguns for personal protection.

**Reasons supporting proposal:**

Provide consistency with the U.S. Constitution and state law.

### **WAC 232-12-054 Archery requirements – Archery special use permits**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
The proposed language clarifies that handguns may be used for personal protection by all hunters. Hunters will have greater certainty on their rights to possess handguns for personal protection.

Moves crossbow regulations from the archery requirement rule to the unlawful methods for hunting rule.

**Reasons supporting proposal:**

Provide consistency with the U.S. Constitution and state law.

Crossbows are lawful under modern firearm seasons and not under archery seasons.

### **WAC 232-28-248 Special Closures and Firearm Restriction Areas.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
The proposed language closes deer hunting on Cottonwood Island and Howard Island. The purpose is to protect endangered Columbian white-tailed deer. The anticipated effect is to further the recovery of Columbian white-tailed deer while retaining deer hunting on the mainland in GMU 564 proper.

**Reasons supporting proposal:**

The proposed language allows the retention of hunting in GMU 564 proper, but does not allow deer hunting on Cottonwood and Howard Islands which are sites proposed for Columbian white-tailed deer release to further Columbian white-tailed deer recovery.

**WAC 232-28-266 Damage Prevention Permits**

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

This proposal changes the timeframe that turkey Damage Prevention Permits are valid, so they can be used beginning on October 10. This proposal does not change the number of turkey permits approved.

This proposal also dedicates an additional 50 antlerless elk permits to Game Management Units in Region 5 to address increased elk damage complaints.

**Reasons supporting proposal:**

In April 2009, the Fish and Wildlife Commission approved 200 turkey Damage Prevention Permits for GMUs 105 to 124 which were valid beginning December 15. WDFW enforcement officers found that landowners experienced damage issues during October and November, before the approved Damage Prevention Permit season.

Elk Damage Prevention Permits currently allocated throughout the state have not been adequate to address elk damage in Region 5.

**WAC 232-28-273 Moose, bighorn sheep, and mountain goat seasons and permit quotas**

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

The proposed WAC amends seasons for moose, bighorn sheep, and mountain goat. The Department recommends status quo seasons for moose and minor permit level changes for bighorn sheep and mountain goat. Winter surveys indicate moose populations are stable. The Department recommends status quo permit levels. All bighorn sheep populations that currently are hunted either meet or exceed population objectives. The Department recommends minor permit level changes (from 40 to 46) based on the population thresholds in the Game Management Plan (2008). The changes include closing the Wenaha (previously 1 permit), opening Swakane (1 permit), and opening Chelan Butte (1 permit). Mountain goat populations are stable in all hunted populations. Changes in permit levels are based on annual survey counts and tend to be conservative given the sensitivity of goats to over harvesting. The Department recommends status quo permit levels in all areas, except reducing the permit level from 2 to 1 in the Bumping River population management unit due to recent survey counts. The anticipated effects are sustainable recreational hunting opportunities and long-term viable populations.

**Reasons supporting proposal:**

Permit level changes are based on the population thresholds in the Game Management Plan (2008).

**WAC 232-12-284 Bighorn sheep -Marking requirements**

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

The proposed WAC amends the marking requirements for bighorn sheep that are harvested or in possession. The Department implemented a few ewe-only bighorn sheep hunts last hunting season and was unable to effectively mark ewe horns due to their smaller size. Given the intent of the rule and difficulty marking ewe horns, the Department is recommending amending the rule to only include marking requirements for bighorn sheep rams, not ewes. There is no anticipated effect to populations or hunting opportunity.

**Reasons supporting proposal:**

The intent of the rule is to address the potential for illegal harvest and commercialization of bighorn sheep ram horns, because a mature ram skull can have a market value of several thousand dollars. Fortunately, the same situation does not occur for bighorn sheep ewes. As such, the Department is recommending dropping the marking requirement for bighorn ewes.

**WAC 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs**

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

Implements Engrossed Substitute House Bill (ESHB) 2438 and establishes pilot cougar with the aid of dogs in Chelan, Okanogan, Ferry, Stevens, Pend Oreille, and Klickitat counties for the 2010-11 winter. The objective of the bill is to use a pilot cougar hunt with the aid of dogs to address public safety and the protection of private property (e.g., pets and livestock), as well as to allow the Department to more effectively manage cougar populations.

The Department is recommending a status quo permit season for the 2010-2011 pilot cougar hunt, with the following exceptions:

1. Change the opening day of the permit hunt from Dec 19 to Dec 1 (except GMUs 101, 105, and 204).
2. Increase the kill quota for Klickitat hunt zone to 10 total cougars or 4 females.
3. Increase the cap on the number of permits issued from 2x the total quota to 3x the total quota.
4. If a second drawing occurs, select additional hunters from the unselected pool of applicants that reside in a participating county.
5. Routine calendar date changes for the six counties continuing the pilot program.

The anticipated effect is to stabilize cougar populations at current levels.

At date of this filing, only Klickitat County has met the basic requirements for inclusion in the pilot cougar hunt. This filing serves as a public notice that other counties may request inclusion in the pilot cougar program up until rule action by the Fish and Wildlife Commission in April 2010.

**Reasons supporting proposal:**

The rule implements ESHB 2438. The objective of the bill is to use a pilot cougar hunt with the aid of dogs to address public safety and the protection of private property (e.g., pets and livestock), as well as to allow the Department to more effectively manage cougar populations.

**WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations**

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

The proposed WAC amends spring black bear hunting seasons. To expand the benefit of the spring seasons in the Blue Mountains, the Department is recommending adding a spring bear hunt in GMU 181 (Couse) with 4 permits. The anticipated effect is better distribution of harvested bears geographically and a slight increase in total harvest.

For Westside spring bear hunts, the Department is recommending reducing the season length in the Kapowsin Tree Farm unit from April 15-June 15 to April 15-May 15 based on discussions with the landowners. There is a slight anticipated effect to the number of hunter days.

**Reasons supporting proposal:**

The objectives of spring bear hunts in the Blue Mountains are to better distribute the harvest geographically and increase total harvest while minimizing female take. Through time, the spring season has proven successful for both objectives.

The Fish and Wildlife Commission began implementing spring black bear hunts in western Washington in 2006. The purpose of these hunts is to reduce tree damage by bears during the spring.

**WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations**

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

The rule establishes cougar permit hunt seasons without the aid of dogs. The proposal removes permit hunt seasons in hunt areas with a concurrent pilot cougar permit hunt with the aid of dogs. The purpose of the change is to consolidate two permit seasons into one for simplification and allow anyone to apply for the hunt. The anticipated effects are simplification of hunting seasons and long-term sustainable cougar populations.

In addition, the proposal increases the permit level in the Blue Mountains zone from 40 to 100. The purpose of the increased permit level is to aid in achieving harvest objectives in the Blue Mountains.

**Reasons supporting proposal:**

Consolidates two cougar permit hunt seasons into one permit season where anyone can apply. Increased permit level in Blue Mountains is to aid in achieving harvest objectives in the Blue Mountains.

**WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations**

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

The rule establishes the 2010 and 2011 fall black bear seasons. Proposed seasons are status quo compared to 2009 seasons, except the recommendation to open the season on Aug 14 rather than Aug 1 in three Black Bear Management Units (i.e., South Cascades BBMU, Okanogan BBMU, and Northeastern B BBMU). The purpose is to provide recreational harvest opportunities for black bear, while maintaining long-term sustainable populations in each BBMU (except Puget Sound and Columbia Basin BBMUs). The anticipated effects of the rule are continued recreational harvest opportunities similar to 2009 levels, with slight reduced season length in 3 of 9 BBMUs, and long-term sustainable bear populations.

**Reasons supporting proposal:**

Population indicators for black bears support status quo hunting seasons in each BBMU, except South Cascades, Okanogan, and Northeastern B. In those BBMUs, indicators suggest that hunting seasons should be more conservative.

**WAC 232-28-290 Washington raffle hunts**

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

The WAC establishes rules associated with conducting a raffle for a big game hunting license/transport tag. The purpose of the amendment is to implement SHB 1778 and provide spending direction for WDFW dedicated raffle account. The proposal directs Washington Department of Fish and Wildlife (WDFW) to spend revenue from single species raffle hunts on the management of respective species raffled, and spend revenue from multiple species raffle hunts on game management. The anticipated effect is spending consistent with SHB 1778 and public input.

**Reasons supporting proposal:**

Proposal implements SHB 1778 and addresses public input supporting dedicated accounts.

**WAC 232-28-291 Special hunting season permits**

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

The purpose is to modify the permit application rules to allow permit application in drawing by category rather than by species.

**Reasons supporting proposal:**

Consistency with initiative to provide greater permit application opportunities for hunters and expand funding for hunter access programs.

**WAC 232-28-292 Washington auction hunts**

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

The WAC establishes rules associated with conducting an auction for a big game hunting license/transport tag. The purpose of the amendment is to implement SHB 1778 and provide spending direction for WDFW dedicated auction account. The proposal directs Washington Department of Fish and Wildlife (WDFW) to spend revenue from single species auction hunts on the management of respective species auctioned, and spend revenue from multiple species auction hunts on game management. The anticipated effect is spending consistent with SHB 1778 and public input.

**Reasons supporting proposal:**

Proposal implements SHB 1778 and addresses public input supporting dedicated accounts.

### **WAC 232-28-295 Landowner hunting permits**

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

In 2009, two "any elk" permits were allocated to the Teanaway Ranch LHP in Kittitas County; one public and one LHP landowner permit. This proposal removes one Landowner Hunting Permit (LHP) cooperator (Teanaway Ranch) from the program. This rule change will likely result in one less general public hunter accessing the Teanaway Ranch for elk hunting.

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

In the fall of 2009, the LHP cooperator contacted WDFW, informed the agency that they did not wish to continue in the LHP program, and requested that we cancel their contract for future years.

### **WAC 232-28-337 Deer and Elk Area Descriptions**

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

The proposed language adjusts the boundaries of deer and elk areas and also creates a new elk area. Adjustment of the boundaries will help staff deal with wildlife damage problems where they are occurring. Creation of new areas also protects elk when appropriate.

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

The proposed language makes existing boundaries more appropriate when the Department is dealing with damage or nuisance issues. The new area helps protect elk on a small scale without excluding hunting entirely on the GMU scale.

### **WAC 232-28-342 Small Game Seasons**

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

Since 2006, fall, either sex turkey hunting seasons in southeastern Washington have been liberalized, taking advantage of increasing turkey populations and providing expanded hunting opportunity. This proposal moves fall turkey hunting season in Game Management Units (GMUs) 145-154 and 162-186 (Blue Mountains GMUs) to the "early fall general" season from the "early fall permit only" season. During the 2006, 2007, and 2008 fall permit seasons, approximately 44 percent of special permit holders participated in the hunt, with approximately 45 percent of those hunters successfully filling their permit. In 2008, 89 turkeys were harvested in these GMUs during the fall permit season. Changing to a general season hunt will allow greater opportunity for turkey hunters while season length, hunter success, and mixed ownerships will moderate turkey harvest.

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

The proposed changes provide increased hunter opportunity in areas where expanding populations can support increased fall harvest.

### **WAC 232-28-351 Deer general seasons and definitions**

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

The purpose of this proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant such a change.

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

Provides recreational, deer hunting opportunity and protects deer from overharvest. Maintains sustainable general deer hunting season opportunities for 2010 and 2011. Helps address deer damage problems and provides for deer population control when needed.

### **WAC 232-28-352 Elk general seasons and definitions**

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

The purpose of this proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant such a change.

**Reasons supporting proposal:**

Provides recreational, elk hunting opportunity and protects elk from overharvest. Maintains sustainable general elk hunting season opportunities for 2010 and 2011. Helps address elk damage problems and provides for elk population control when needed.

**WAC 232-28-355 Deer special permits****Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Introduces new category structure for special permits which provide more opportunities to apply. New structure is intended to provide more opportunity to the public and generate more revenue for WDFW. Maintain deer special hunting season opportunities for 2010. Adjust special deer permits for 2010 in response to deer population changes and damage complaints. Provides for recreational harvest of deer. Helps reduce agricultural damage and provides for population control of deer where needed.

**Reasons supporting proposal:**

New category structure will allow more opportunities to apply which will increase revenue for WDFW. Provides recreational, deer hunting opportunity and protects deer from overharvest. Addresses deer damage problems.

**WAC 232-28-356 Elk special permits****Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Introduces new category structure for special permits which provide more opportunities to apply. New structure is intended to provide more opportunity to the public and generate more revenue for WDFW. Maintain elk special hunting season opportunities for 2010. Adjust special elk permits for 2010 in response to elk population changes and damage complaints. Provides for recreational harvest of elk. Helps reduce agricultural damage and provides for population control of elk where needed.

**Reasons supporting proposal:**

New category structure will allow more opportunities to apply which will increase revenue for WDFW. Provides recreational, elk hunting opportunity and protects elk from overharvest. Addresses elk damage problems.