

**8. SPRING BLACK BEAR SEASONS AND REGULATIONS – RULE ACTION**

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## “GREEN SHEET”

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**Meeting:** April 8-9, 2011

**Agenda Item 8:** Spring Black Bear Seasons and Regulations – **Rule Action**

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

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

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**Background:**

Department staff briefed the Commission on proposed amendments to WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations.

The objectives for spring bear hunting seasons are to reduce timber damage by bears (western Washington), reduce nuisance bear activity (northeastern Washington), and to divert harvest away from adult females and toward adult males (southeastern Washington). The Department recommended increasing spring bear permit levels in northeastern Washington from 90 to 145 total permits, and increasing the season length by one month to address growing nuisance bear activity. The Department is also recommending increasing the season length on the Kapowsin Tree Farm unit from April 15-May 15 to April 15-June 15 based on discussions with the landowner.

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

- Increase spring bear harvest in northeastern Washington.
  - Increase spring bear season length on Kapowsin Tree Farm.
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**Public involvement process used and what you learned:**

These proposed recommendations were sent to approximately 450 organizations and individuals in January for their review and consideration. These organizations and individuals were also informed of the opportunity to provide public testimony at the March Commission meeting in Spokane.

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

Adoption WAC 232-28-286 as proposed.

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**Draft motion language:**

I move to adopt WAC 232-28-286 as proposed.

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**Justification for Commission action:**

These changes meet the approved criteria established by OFM as a result of the Governor’s Executive Order 10-06 Suspending Non-Critical Rule Development and Adoption. Changes to these rules are critical to a revenue generating activity, have been requested by the hunters who would be affected by them, and are supported by timber companies that are affected (3c; 3d; and 3e).

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**Communications plan:**

- News Release
  - Hunting Pamphlet
  - Website
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AMENDATORY SECTION (Amending Orders 10-94 and 10-94A, filed 4/30/10 and 12/30/10, effective 5/31/10 and 1/30/11)

**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>((19))</del> <u>2425</u>	<del>((April 15 - May 31))</del> <u>April 1 - June 15</u>
Kelly Hill	GMU 105	<del>((13))</del> <u>1825</u>	<del>((April 15 - May 31))</del> <u>April 1 - June 15</u>
Douglas	GMU 108	<del>((7))</del> <u>1220</u>	<del>((April 15 - May 31))</del> <u>April 1 - June 15</u>
Aladdin	GMU 111	<del>((13))</del> <u>1825</u>	<del>((April 15 - May 31))</del> <u>April 1 - June 15</u>
49 Degrees North	GMU 117	<del>((19))</del> <u>2425</u>	<del>((April 15 - May 31))</del> <u>April 1 - June 15</u>
Huckleberry	GMU 121	<del>((19))</del> <u>2425</u>	<del>((April 15 - May 31))</del> <u>April 1 - June 15</u>
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
Couse	GMU 181	4	April 15 - May 31
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>May</del> June 15
Lincoln <sup>a</sup>	That portion of GMU 501 that is designated as the hunt area by participating commercial timber landowners.	75	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.

[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. 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. 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 include additional adjustments since the March 2011 Commission Meeting. These changes are included in your notebook language.

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In the spring bear hunt table, for Sherman, Kelly Hill, Aladdin, 49 Degrees North, and Huckleberry hunts, increase the permit level 25. In the Douglas hunt, increase the permit level to 20.

These changes address nuisance complaints regarding bears in the spring. The increased permit level will likely have no significant effects to the bear population status.

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In the spring bear hunt table, for the Kapowsin hunt, change the closing date from May 15 to June 15.

The reason for this change is to address bear damage to trees throughout the entire damage season, which continues through mid-June. The increased permit level will likely have no significant effects to the bear population status.

**SUMMARY OF WRITTEN PUBLIC INPUT**  
 Fish and Wildlife Commission Meeting  
 WAC 232-28-286

<b>COMMENTS</b>	<b>AGENCY RESPONSE</b>
Please add a spring bear hunt in GMU 663 – Capitol Peak.	Thank you for your comment. Spring bear hunts in western Washington are implemented to address increasing bear damage to trees on industrial timberlands. Capitol Peak – GMU 663 had a spring bear hunt for a few years to address timber damage and nearly doubled the harvest. Both Washington Department of Fish and Wildlife and Washington Department of Natural Resources felt that the bear removal was substantial enough to address trends in tree damage, so the spring season is no longer needed.

**SUMMARY OF ORAL PUBLIC INPUT**  
 Taken at the Fish and Wildlife Commission Meeting  
 March 4-5, 2011

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

<b>COMMENTS</b>	<b>AGENCY RESPONSE</b>
Is bear baiting an option for spring bear hunts?	Thank you for your comment. State statute prohibits the use of bait for bear hunting.
Offer spring bear season as a general season rather than a special permit season, or at least increase the permits even more.	Thank you for your comment. At this point in time, the Department does not support general spring seasons for bear. The department did increase permit levels beyond are original recommendation.
Increase bear harvest in the fall season and consider two bear bag limit in eastern Washington.	Thank you for your comment. Fall bear seasons and bag limits will be considered by the Commission on the upcoming 3-year 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 10-24-087 ; 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):**  
Spokane Convention Center  
334 West Spokane Falls Boulevard  
Spokane, WA 99201  
509-279-7000

Date: March 4-5, 2011 Time: 8:30 a.m.

**Date of intended adoption:** April 8-9, 2011  
(Note: This is **NOT** the effective date)

**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: Wednesday, February 9, 2011

**Assistance for persons with disabilities:**  
Contact: Susan Galloway by February 28, 2011  
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: 77.12.047

Statute being implemented: 77.12.047

**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: January 19, 2011**

**TIME: 9:17 AM**

**WSR 11-03-089**

**DATE**  
January 19, 2011

**NAME**  
Lori Preuss

**SIGNATURE**

**TITLE**  
Rules Coordinator

(COMPLETE REVERSE SIDE)

**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..... Nate Pamplin	Natural Resources Building, Olympia	(306) 902-2693
Implementation.....Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2693
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 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 232-12-424 Public conduct on lands under cooperative agreement with the department – Unlawful Acts**

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

The Department is recommending creation of a new WAC that will regulate public conduct on lands under cooperative agreement. Examples of regulated activities include violating posted safety zones, quality hunting site rules, and driving vehicles in areas that have been posted closed to motorized vehicle travel. The new rule will allow enforcement of private lands access rules that are mutually agreed to by the landowner and the Department.

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

When the Fish and Wildlife Commission adopted WAC 232.13, the definition of “department land” was modified to exclude private lands. While this change was necessary to effectively implement 232-13, the unintended consequence was that the Department lost its ability to enforce public access and conduct on private lands under agreement. As a result, a new rule addressing the use of private lands under agreement is needed.

### **WAC 232-28-273 2009-2011 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. Winter surveys indicate moose populations are stable. The Department recommends minor permit level adjustments in two moose hunt areas based on recent survey results. All bighorn sheep populations that currently are hunted either meet or exceed population objectives. The Department recommends minor permit level changes (from 41 to 48) based on the population thresholds in the Game Management Plan (2008). 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 5 to 3 in the Goat Rocks-Tieton River population management unit due to recent survey counts.

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

Permit level changes are based on the population thresholds in the 2009-2015 Game Management Plan.

### **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:**

To expand the benefit of the spring seasons in northeastern Washington, the Department is recommending increasing permit levels and season length. The anticipated effect is a slight increase in total harvest and reduced bear nuisance activity.

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

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

The objectives for spring bear hunting seasons are to reduce timber damage by bears (western Washington), reduce nuisance bear activity (northeastern Washington), and to divert harvest away from adult females and toward adult males (southeastern Washington).

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

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

The Landowner Hunting Permit (LHP) program is designed to increase hunter access to private lands and to help some landowners address long-standing elk damage issues. The Department recommends adding one new LHP cooperator in Asotin County – Grande Ronde Vista. The Grande Ronde Vista LHP is a consortium of landowners that includes the owner of a previous LHP, the 4-O Ranch.

Proposed deer and elk hunting on the Grande Ronde Vista LHP include:

Landowner permits: seven deer permits (three point minimum) and 23 elk permits (11 bull and 12 antlerless)

Public Special Permits: three 3-pt minimum deer permits, six youth only antlerless deer permits, six bull elk permits, and 20 antlerless only elk permits

The split of landowner and public deer and elk hunting opportunity is within the guidelines established in Commission Policy C6002.

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

This proposal increases public deer and elk hunting access to private land in Asotin County.

### **WAC 232-28-331 Game management units (GMUs) boundary descriptions – Region one**

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

Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

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

Simplifies and clarifies unit boundaries for deer and elk hunting.

### **WAC 232-28-332 Game management units (GMUs) boundary descriptions – Region two**

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

Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

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

Simplifies and clarifies unit boundaries for deer and elk hunting.

### **WAC 232-28-333 Game management units (GMUs) boundary descriptions – Region three**

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

Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

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

Simplifies and clarifies unit boundaries for deer and elk hunting.

### **WAC 232-28-334 Game management units (GMUs) boundary descriptions – Region four**

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

Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

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

Simplifies and clarifies unit boundaries for deer and elk hunting.

## **WAC 232-28-335 Game management units (GMUs) boundary descriptions – Region five**

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

Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

### **Reasons supporting proposal:**

Simplifies and clarifies unit boundaries for deer and elk hunting.

## **WAC 232-28-336 Game management units (GMUs) boundary descriptions – Region six**

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

Game management units are used to help distribute hunters and manage segments of deer and elk populations. This proposal will clarify game management unit boundaries for hunters and reduce space required for publicizing the rules, thereby reducing expenditures.

### **Reasons supporting proposal:**

Simplifies and clarifies unit boundaries for deer and elk hunting.

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

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

Boundary adjustments are being proposed to better address current deer and elk damage issues.

### **Reasons supporting proposal:**

The proposed rule amendment provides the means to reduce wildlife damage issues and direct deer and elk damage hunts by adjusting elk area boundaries.

## **WAC 232-28-351 2009-2011 Deer general seasons and definitions**

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

This is the third year of the 2009-11 hunting season “rule-package” and as such, few changes are recommended. Changes during “off-years” are mainly to address crop and property damage problems; changes in population levels due to environmental conditions or disease outbreaks; and to balance harvest levels with established population objectives.

The major issue and purpose for recommending changes to the deer general season rules are to address the white-tailed deer declines in northeast Washington caused by the harsh winters of 2008 and 2009. The Commission is being asked to consider:

- Reducing the archery antlerless opportunity during the late season in northeast Washington to address the decline and hasten population expansion;
- Retaining a four day youth, senior, and hunters with disability antlerless white-tail season in northeast Washington to maintain some limited antlerless opportunity for these hunters; and
- Re-considering a four point white-tailed deer antler restriction for GMUs 117 and 121. The Steven’s County Commissioners and the Steven’s County Fish and Wildlife Advisory Committee formally petitioned the Fish and Wildlife Commission to adopt a four point antler restriction for GMUs 117 & 121. It is their belief that an antler point restriction would hasten population expansion and improve the general health of the deer population.

### **Reasons supporting proposal:**

The proposal provides general season hunting opportunity for deer consistent with population and harvest objectives while addressing property damage concerns.

## **WAC 232-28-355 2010 Deer special permits**

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

This is the third year of the 2009-11 hunting season “rule-package” and as such, few changes are recommended. Changes during “off-years” are mainly to address crop and property damage problems; changes in population levels due to environmental conditions or disease outbreaks; and to balance harvest levels with established population objectives.

The major changes in the recommended deer permit levels are to address:

- Calendar date adjustments;
- White-tailed deer declines in northeast Washington GMUs 101-121;
- Mitigation of property damage situations;
- Add some quality mule deer permits in northeast Washington GMUs; and
- Add antlerless deer permits in the Mission and Satsop GMUs (251 & 651) consistent with population objectives for those areas.

### **Reasons supporting proposal:**

The proposal provides special hunting permit opportunity for deer and elk consistent with population and harvest objectives while addressing property damage concerns.

## **WAC 232-28-356 2010 Elk special permits**

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

This is the third year of the 2009-11 hunting season “rule-package” and as such, few changes are recommended. Changes during “off-years” are mainly to address crop and property damage problems; changes in population levels due to environmental conditions or disease outbreaks; and to balance harvest levels with established population objectives.

The major changes in the recommended elk permit levels are to address:

- Calendar date adjustments;
- Mitigation of property damage situations;
- Increase bull permits in the Blue Mountains consistent with population objectives; and
- Provide additional antlerless elk permits for senior hunters.

### **Reasons supporting proposal:**

The proposal provides special hunting permit opportunity for deer and elk consistent with population and harvest objectives while addressing property damage concerns.