

## **Concise Explanatory Statement**

### **Rules amended as part of this rulemaking:**

#### **WAC 220-415-080 2019-2020 Spring black bear special permit.**

### **Reasons for adopting this rule:**

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

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

The change in title is editorial and clarifies the 2020 special permit hunts. Similarly, the edit to list GMU 648 prior to GMU 638 is to ensure hunters understand that the excluded Forest Service Lands are located in GMU 638. The changes in permit numbers for GMUs 154, 162, 169, 172, and 175 are intended to further distribute bear harvest between fall and spring and to encourage harvest in areas where deemed appropriate. The department was requested to remove Kapowsin hunt area by the managing land owners. The Peola Hunt Area is being proposed because the department has recorded low numbers (often zero) of harvest in this area and determine it necessary to encourage hunter to utilize this area of the Black Bear Management Unit so as to further distribute harvest. The intent of the mandatory check of harvested bears is to:

- a) Improve harvest reporting
- b) Improve the quality of the harvest data
- c) Provide a better understanding of the spring harvest

The pelt checks would be conducted similar to the cougar checks, where a variety of staff would be able to conduct the check. The proposal provides a 72-hour period after harvest for the hunter to report and an additional five days after reporting to have the pelt checked by department staff. This process will allow for weekend harvests to be reported and or pelt checking to occur during the following business week.

### **Differences between the proposed rule and the rule as adopted:**

- None

### **Comments received during the official public comment period and as testimony received at the public hearing:**

#### **Written Supporting Comments:**

There were 139 (138 online and 1 letter) comments submitted for this WAC proposal. Forty-two comments were in support of the proposed changes. Most individuals (23) stated “generally agree” and provided no additional comment. Eighteen individuals provided additional comments which included five opposing the pelt sealing requirement, 13 stating a need for increasing opportunity, expressing disappointment in the loss of the Kapowsin hunt area, and or suggesting other areas for spring bear special permit hunts.

#### **Written Opposing, Neutral, and Other Comments:**

There were 96 comments. 11 were neutral, 66 opposed, or other (19). Within the 96, 26 of these commenters were not in favor of the mandatory pelt check, with evidence of sex. Most stated it wasn’t necessary or it was too onerous on the hunter. Eighteen expressed concerns over lost opportunity, particularly on the west side with the removal of the Kapowsin hunt area. Eighteen others opposed but did not provide additional comment. Sixteen individuals did not state a response and were categorized as “other”. Two individuals (1 neutral, 1 opposed) expressed concern over losing hunters interested in spring bear special permits. One commented on potential for orphaning cubs. One additional commenter expressed a need for outreach to hunters on salvaging harvested meat.

#### **Fish and Wildlife Commission Hearing, Public Comments:**

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

#### **Rationale-Agency Action Regarding Comments:**

The department will move forward with the recommendations to the Fish and Wildlife Commission. The increase in permits in the southeastern areas were initiated based on the intent to have hunters focus on bears in elk calving areas, which may be beneficial to early elk calf survival. Further, the spring bear harvest statistic (% females in harvest, male and female tooth age) indicated an increase in permits is not expected to negatively affect bear populations or stability in the area. Based on the five-year average harvest rate/permit/GMU the proposed number of permits is predicted to result in approximately seven additional bears for the spring special permit harvest. The department believes pelt sealing, with evidence of sex, will:

- a) Improve harvest reporting;
- b) Improve the quality of the harvest data; and
- c) Provide a better understanding of the sex and age classes harvested during the spring special permits.

Because the spring bear tags (approximately 580) are under a special permit, and the pelt checks would be conducted similar to the general season cougar carcass checks, the department anticipates the sealing requirement to be easily managed by staff without difficulty for the hunter. Additionally, the proposed process will allow for weekend harvests to be reported and pelt checking within five days to allow for checking to occur during the following business week. The mandatory pelt check, with evidence of sex, will assist the department in accurately monitoring the number of female bears harvested and cross

referencing those to breeding or non-breeding age individuals, which further informs the decision-making for setting spring special permit numbers.