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## Fish and Wildlife Commission Presentation Summary Sheet

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**Meeting date:**

11/19/2021

**Agenda item:**

2022 Spring Black Bear Special Permits – Decision

**Presenter(s):**

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

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**Background summary:**

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

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

The proposal is to recommend the spring black bear special permit hunts for the 2022 season. The proposal meets the Commission's mandate to maximize the public recreational hunting opportunities. Further these special permit hunts allow WDFW to geographically distribute hunters and resulting harvest as compared to the general fall black bear season. This distribution helps to satisfy the department's mandate to preserve, protect, perpetuate, and manage wildlife. These hunts also use harvest as a tool to assist with mitigating bear timber damage and minimizing human-bear interactions or where ungulate neonate survival is low, while providing additional recreational opportunities. The spring black bear special permit season is designed to target specific areas. The proposed changes include:

- 1) Identifying the appropriate season dates, strike 2021 in the title and replace with 2022;
- 2) Modifying permit numbers in areas where needed, reducing the number of permits in Hunt Unit 684 (Long Beach) from 10 permits to 6 permits;
- 3) Modifying the following language:

- Change the heading: Harvest check, Submitting Biological Samples and Bear Teeth,

Replace with the following: Harvest check and inspection;

- Under the Harvest Check segment, the following language:

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.

Replace 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.

Reasons supporting proposal:

- 1) If the rule is adopted it needs to align with the current and appropriate hunting season (spring 2022).
- 2) The overall intent of the hunt is to provide a limited recreational hunting opportunity in the spring while also addressing local bear management issues identified by WDFW wildlife biologists. In many of the areas where permits would be issued, human presence and hunting pressure associated with the proposed hunt are expected to mitigate on-going concerns about bears damaging commercial timber and predated on ungulates. In Unit Area 684, the six proposed permits are intended to discourage human-bear conflicts by providing hunting pressure. Interviews with permit hunters revealed that finding bear hunting access to private lands was difficult and crowding occurred in those areas where hunting was allowed. WDFW staff determined a reduction in hunting pressure (10 permits were issued in 2021, while six permits are proposed for 2022) was warranted on the few available areas within the hunt unit. Based on harvest records, the proposed change is unlikely to have impact on the resulting harvest. Maintaining a level of human pressure remains as part of the intent.
- 3) The heading change under “Harvest check, Submitting Biological Samples and Bear Teeth” is intended to more accurately identify the two components required of the hunter, which are harvest check and inspection.

The additional language, under the section “Harvest check, Submitting Biological Samples and Bear Teeth”, is intended to direct hunters that the pelt and head must be unfrozen and that the evidence of sex and head must be attached. We further state that hunters must call within 72 hours to schedule the inspection of the animal for collection of tooth and biological information.

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**Staff recommendation:**

Recommended adoption of this rule as presented by staff.

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**Policy issue(s) and expected outcome:**

No policy issues.

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**Fiscal impacts of agency implementation:**

No fiscal impacts.

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

The Department filed WSR 21-18-084 on August 30, 2021 and posted draft proposed rule language on the WDFW website for review. The Department extended the comment period thru November 1. The

Department collected public testimony at the October 22, 2021 Commission meeting and public hearing. Additionally, commissioners were asked to send their questions in writing to Wildlife Program Staff. The agency held a special Fish and Wildlife Spring Bear Q&A on November 15, 2021. This meeting gave the public and commissioners a chance to listen to the Wildlife Program Staff's answers to the questions the commissioners posed and for commissioners to ask follow-up questions of Wildlife Program staff.

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**Action requested and/or proposed next steps:**

Recommend adoption of this rule as presented.

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**Draft motion language:**

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

Is there a "second"?

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

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**Post decision communication plan:**

Washington Department of Fish and Wildlife Website  
News release  
Hunting Regulation Pamphlet

*Form revised 1-20-21*

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

**WAC 220-415-080 ((2021)) 2022 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 - June 15
Kelly Hill	GMU 105 Note: Mandatory bear identification test required.	50	April 15 - June 15
Douglas	GMU 108 Note: Mandatory bear identification test required.	40	April 15 - June 15
Aladdin	GMU 111 Note: Mandatory bear identification test required.	50	April 15 - June 15
49 Degrees North	GMU 117 Note: Mandatory bear identification test required.	100	April 15 - June 15
Huckleberry	GMU 121	100	April 15 - June 15
Blue Creek	GMU 154	18	April 15 - June 15
Dayton	GMU 162	18	April 15 - June 15
Tucannon	GMU 166	5	April 15 - June 15
Wenaha	GMU 169	60	April 15 - June 15
Mt. View	GMU 172	24	April 15 - June 15
Lick Creek	GMU 175	18	April 15 - June 15
Peola	GMU 178	5	April 15 - June 15
Couse	GMU 181	5	April 15 - June 15
Grande Ronde	GMU 186	5	April 15 - June 15
Kitsap	GMU 627	5	April 15 - June 15
Mason	GMU 633	5	April 15 - June 15
Bear River	GMU 681	20	April 15 - June 15
Long Beach	GMU 684	<del>((40))</del> 6	April 15 - 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 - June 15
Copalis	GMU 642, 648, and 638 (excluding U.S. Forest Service lands).	50	April 15 - 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.

**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.

**Harvest Check (~~(, Submitting Biological Samples and Bear Teeth)~~) and Inspection:** 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) (~~(, 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 (~~(, and the first premolar)~~) must be presented to an authorized department employee for inspection within 5 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.

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:**

### WAC 220-415-080 2022 Spring black bear special permits

We received over 5000 total comments on the proposed rule changes by the closing of the extended comment period (5:00 pm PST, November 1, 2021). Ninety seven percent of the comments came through our online survey and the remaining were received through letters, emails, and voice messages. Over 1200 comments received were one of two versions of form letters. In addition, the department and the Fish and Wildlife Commission received letters from private individuals, organizations, or groups of the previously mentioned.

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

Those respondents that commented in support referenced various reasons for their support.

Below are some of the common comments expressed from respondents in favor of the proposed changes:

- Hunting is conservation / part of the wildlife conservation model.
- Laws state to maximize hunter participation.
- Provides economic increase to local communities.
- Serves as a source of food.
- Supports recreational hunt for mitigating timber damage, human-bear conflicts, and impacts on neonates.
- Would like to see more opportunities (permits) offered.
- Bear population is growing.
- Would like to see more hunt areas (GMUs).
- Would like to see a general spring bear season (over the counter tags).
- The science and number of bears supports the hunt.
- Negligible impact on bear population.
- Hunters did not comment on the value of keeping the spring special permit as they were not expecting the spring special permit opportunity to be removed.

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

Those respondents that commented online in opposition comprised a mixture of perspectives ranging from complete opposition to support of the spring special permit hunts but wanting different changes to the rule than what is proposed.

Below are some of the common comments expressed from the online respondents in opposition or neutral of the proposed changes:

- Opposition to bear hunting or spring bear hunting.

- Opposition to hunting in general.
- Possible cub orphaning and mortality.
- No evidence the hunts have desired effects.
- Unethical given their biology.
- Bear hunting opportunities are too long – hunting every month except July and denning.
- Removing the low number of spring permits will not impact hunters.
- These hunts do not reflect the values of most residents.
- These are trophy hunts and unethical.
- Lack of or misleading information.
- Opposition to permit reduction.
- Would like more opportunities (permits) offered.
- Would like more hunt areas (GMUs).
- Would like to see a general spring bear season (over the counter tags).

We received two form emails which said the following:

#### Form Letter #1

“Dear Washington Department of Fish and Wildlife Washington prides itself on its beautiful outdoors and wild creatures and the state’s wildlife management should reflect these values. So I urge you to ban the spring black bear hunt. The hunt is inhumane putting bears who have just emerged from hibernation under incredible stress and orphaning bear cubs. And as the department s staff have acknowledged the hunt doesn’t have a detectable impact on protecting timber stands often cited as the reason for the hunt. Stopping the spring hunt won’t inconvenience hunters who have opportunities to take bears in fall. Decisions about our state’s wildlife should be made based on the best available science and management and should reflect the will of most Washington residents. The spring bear hunt fails to meet either of those criteria. Rather it’s a cruel trophy hunt that tears apart bear families and causes unnecessary death and suffering. For the sake of wildlife and wild places stop this hunt now.”

#### Form Letter #2

“Staff WDFW Staff I would like to see Spring bear hunts in Washington State ended. Originally the public was led to believe spring bear hunts were needed to address pressing management issues. It has now become clear that these hunts are not necessary and they are not an effective way to address the vaguely described and undocumented management issues WDFW uses to justify having these cruel hunts. Spring bear hunting is not supported by the majority of the public because it violates basic principles of ethical hunting and fair chase. Spring hunting and killing of females and cubs is also wrong biologically which is why no other wildlife species are hunted in the spring except non-native turkeys in WA State. These hunts like wildlife killing contests fit into the category of examples of the worst kind of hunting. This is why many hunters and wildlife biologists also oppose them. Spring bear hunting does not reflect the values and ethics of most of the 7.7 million residents of our state. Fewer than 5% of WA residents purchase any kind of hunting license. Spring bear hunts may be popular with the 664 hunters who will participate if the hunts are held in 2022. Wildlife in WA State is a public asset and it should be managed for the public not for the few who choose to hunt bears in the spring. Some spring bear hunters probably hunting using bait which is illegal in WA State. Some hunts are on commercial timber lands where bears are legally fed supposedly to limit tree damage. Where when and how much of this food is put out on commercial timber lands is a guarded secret. We do know these feeding programs attract bears and hunters may intentionally or unintentionally hunt where feeding programs occur which is illegal. These hunts are cruel and inhuman

and kill bears and cubs indirectly as well as directly because they occur when bears are starving must find enough food to survive and are most vulnerable. Food is often found in openings where bears will be seen by hunters if they try to access it. This is why hunter success is highest during the spring. Bears must choose between eating or not being shot. This is especially true for females with new cubs who must focus on protecting their cubs as well as eating. Cubs die when females do not provide enough milk. Cub mortality is high under the best circumstances. The WDFW does not need to provide an opportunity for 664 hunters to kill bears in the spring. The regular bear hunting season was recently lengthened. It now begins on August 1st and runs until November 15th across the state. Recently the limit per hunter was raised from 1 to 2 bears across the state. These changes should be challenged because bear density and mortality rates vary widely in different parts of our state. Bears are hunted every month they are not hibernating except July in WA state. Why isn't this enough bear hunting? Please put an end to Spring bear hunts in Washington!"

Additionally, we received letters from individuals, organizations, and groups of individuals representing professional fields. These organizations expressed similar points of opposition as those expressed online by respondents and subsequently noted above.

Below are some additional points expressed by the authors or signatories of the letters received:

- Intent of RCW 77.04.012 - mandate to protect, perpetuate, and manage the wildlife.
- Lack of transparency by the department.
- Bears are property of the entire state.
- Low/slow reproductive cycle of bears.
- Environmental condition impacts on bear reproduction and food resources.
- Timing of den emergence and impact of climate change.
- Disturbance on the landscape caused by hunters.
- Ability to identify males from females or observe cubs.
- Lack of science.
- Lack of hunter compliance to report over the past decade.
- Vulnerability of reproductive age females.
- Misuse of the Game Management Plan.

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

Ninety people commented on the proposed rule change. One person spoke in favor of the proposed rule changes. All the other comments were in opposition of having a spring bear special permit season. Comments received during the commission meeting were similar in content to comments that we received during the open comment period.





# 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: August 30, 2021

TIME: 1:54 PM

WSR 21-18-084

Agency: Washington Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 21-13-118 on June 21, 2021; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) WAC 220-415-080 2022 Spring black bear special permits.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 22-23, 2021	8:00 a.m.	Webinar	This meeting of the Fish and Wildlife Commission will take place by webinar. See <a href="https://wdfw.wa.gov/about/commission">https://wdfw.wa.gov/about/commission</a> or contact the Commission office at (360) 902-2267 or <a href="mailto:commission@dfw.wa.gov">commission@dfw.wa.gov</a> for instructions on how to join the meeting.

Date of intended adoption: November 19, 2021 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA. 98504

Email: [2020SpringBear@PublicInput.com](mailto:2020SpringBear@PublicInput.com)

Fax: (360) 902-2162

Other: <https://publicinput.com/2020SpringBear>

By (date) October 21, 2021

### 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](mailto:Title6@dfw.wa.gov)

Other: \_\_\_\_\_

By (date) October 21, 2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** 220-415-080 2021 Spring black bear special permits. The purpose of the proposed amendments is to carry forward a long-standing recreational hunting opportunity to address bear management by continuing to use recreational hunting under a spring bear special permit in 2022; The purpose and anticipated effect of the amendments is to continue geographically focused spring hunting of black bear in areas where WDFW have observed on-going human-bear conflicts, low fall harvest results, commercial timber damage, or concerns for ungulate species recruitment. This amendment will also make minor modifications to harvest and inspection procedures. These amendments will provide a limited hunting opportunity to approximately 664 hunters who receive permits and WDFW anticipates approximately 145 black bears would be harvested through this limited permit hunting opportunity.

**Reasons supporting proposal:** 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 spring hunting opportunities and there is very strong interest from hunters for the limited spring bear hunting permits. The title change identifies that spring black bear special permit hunts will be held in 2022. The reduction in permit numbers for hunt unit 684 (from 10 to 6) will reduce crowding in accessible areas of mostly private land. The edits to the language related to animal inspection will clarify to hunters the components necessary for harvest check and inspection. The revised language clearly states 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 authority for adoption:** RCWs 77.04.012, 77.04.055, 77.12.020 and 77.12.047.

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 77.12.020 and 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: [ ]

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** [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:	[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 district fiscal impact statement required under RCW 28A.305.135?**

Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name: [ ]

Address: [ ]

Phone: [ ]

Fax: [ ]

TTY: [ ]

Email: [ ]

Other: [ ]

**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: [ ]  
TTY: [ ]  
Email: [ ]  
Other: [ ]

No: Please explain: [This proposal does not require a cost benefit analysis under RCW 34.05.328.]

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description: [ ]

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW [19.85.025 (4)].

Explanation of exemptions, if necessary: [The proposed rule is for recreational hunting opportunity and does not affect small businesses.]

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. [\_\_\_\_\_]

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

[ ]

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: [ ]  
Address: [ ]  
Phone: [ ]  
Fax: [ ]  
TTY: [ ]  
Email: [ ]  
Other: [ ]

Date: 8/30/2021

Name: Annie Szvetecz

Title: WDFW Rules Coordinator

Signature:

A handwritten signature in black ink, appearing to read "Annie Szvetecz". The signature is written in a cursive style with a horizontal line at the end.