

Spring Bear – Briefing and Public Hearing

WAC 220-415-080 2021 Spring black bear special permits.

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Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

March 11, 2022

Agenda item:

Spring Bear – Briefing and Public Hearing

Presenter(s):

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

Background summary:

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

Purpose of the proposal and its anticipated effects:

The proposed rule amendments, if adopted, would put in place an annual spring black bear special permit hunt season and would fulfill WDFW's mandate to maximize the public recreational hunting opportunities while also conserving the wildlife resources in a manner that does not impair the resource. These annual hunts would make available a limited number of permits in specific areas, as compared to the general fall black bear season. These hunts, if the proposal is adopted, also would use harvest as a tool to apply additional hunting pressure and human presence in an effort to help address (or provide ancillary benefit to) other management issues such as commercial timber damage and reduce bear densities in areas of high negative human-bear interactions or where ungulate neonate survival is low.

The proposed changes:

- 1) Striking 2021 in the title and adjusting the dates to May 1 - June 15;
- 2) Modifying permit numbers in an area where needed, reducing the number of permits in Hunt Unit 684 (Long Beach) from 10 permits to 6 permits;
- 3) Adding a provision to prohibit the harvest/take of female black bear accompanied by offspring and prohibiting the harvest of offspring and defining offspring as less than one year old or less than 50 pounds.
- 4) Under Harvest check, submitting biological samples and bear teeth,
 - (a) Replace the title of this subsection with the following:

Harvest check and inspection (collection of biological samples);
 - (b) Add language under the Harvest check and inspection subsection:

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. Failure to comply with harvest reporting and submission of biological samples is a misdemeanor pursuant to RCW 77.15.280.

Replace the text above 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. Failure to comply is a misdemeanor pursuant to RCW 77.15.280.

Reasons supporting proposal:

- 1) Date changes: On January 21, the Fish and Wildlife Commission voted in response to a rule making petition to initiate rulemaking to amend WAC 220-415-080 with a proposal to remove from the title the year “2021.” If the proposed rule is adopted, WDFW would be carrying forward a long-standing spring recreational hunting opportunity of black bears on an annual basis. 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 of spring hunting opportunities and there is very strong interest from hunters for the limited spring bear hunting permits. Washington State black bear population is robust and an annual spring hunt with approximately 664 permits is sustainable. The April 15 to May 1 proposed change would accommodate WDFW staff’s administrative need for additional time to implement the distribution of permits in spring 2022 if the proposal is adopted.
- 2) Permit numbers in GMU 684: The reason for the proposed amendment to the hunt in unit area 684 is human safety. The hunt is implemented to discourage human-bear conflicts by providing hunting pressure. Due to the difficulties in finding bear hunting access and to avoid overcrowding in those limited areas where hunting was allowed, a reduction in permit numbers in unit area 684 is needed. Based on harvest records, the proposed change is unlikely to impact the resulting harvest.
- 3) Take prohibition: Adding the provision to prohibit harvest/take of female bears with offspring and offspring less than one year old or under 50 lbs. will align Washington with other western states and provinces that offer spring bear hunts. While challenging to enforce, previous public input expressed a sentiment of concern about orphaning cubs. The definition of offspring is intended clearly identify the conditions by which an animal is considered an offspring.

4) Hunter check and inspection: WDFW has proposed edits to clarify the requirements for the harvest check and inspection in the WAC, which if adopted would provide specificity as to how and when such pelt and head inspections would occur.

(a) The heading change identifies the components required of the hunter, which are harvest check and carcass inspection,

(b) The additional language related to the animal inspection is intended to direct hunters that the pelt and head must be unfrozen and that the evidence of sex and head must be attached. The revised language further directs hunters that they must call within 72 hours to schedule the inspection of the animal for collection of tooth and biological information.

Staff recommendation:

N/A. Briefing and public hearing only.

Policy issue(s) and expected outcome:

N/A. Briefing and public hearing only.

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

On February 1, 2022, WDFW filed a CR-102, initiating public comment. The public was asked to provide input on the proposed changes to WAC 220-415-080 via the department's website. Public comment period remains open through the Fish and Wildlife Commission Meeting on March 11, 2022, closing on March 12, 2022. The department has emailed over 40,000 subscribers notifying them of the website survey and encouraging them to participate. Also, the department issued a news release and postings on social media.

In preparation for this meeting, notification was made to individuals and organizations informing them of the opportunity to provide comments on the proposed regulation amendments. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the upcoming March 11, 2022, commission meeting online.

Action requested and/or proposed next steps:

Department staff will hear and consider public comment. On March 18, 2022, department staff will present recommendations and seek adoption.

Draft motion language:

N/A. Briefing and public hearing only.

Post decision communications plan:

N/A. Briefing and public hearing only.

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

WAC 220-415-080 ((2021)) 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)) <u>May 1</u> - June 15
Kelly Hill	GMU 105 Note: Mandatory bear identification test required.	50	((April 15)) <u>May 1</u> - June 15
Douglas	GMU 108 Note: Mandatory bear identification test required.	40	((April 15)) <u>May 1</u> - June 15
Aladdin	GMU 111 Note: Mandatory bear identification test required.	50	((April 15)) <u>May 1</u> - June 15
49 Degrees North	GMU 117 Note: Mandatory bear identification test required.	100	((April 15)) <u>May 1</u> - June 15
Huckleberry	GMU 121	100	((April 15)) <u>May 1</u> - June 15
Blue Creek	GMU 154	18	((April 15)) <u>May 1</u> - June 15
Dayton	GMU 162	18	((April 15)) <u>May 1</u> - June 15
Tucannon	GMU 166	5	((April 15)) <u>May 1</u> - June 15
Wenaha	GMU 169	60	((April 15))

Hunt Name	Hunt Area	Permits	Season Dates
			<u>May 1</u> - June 15
Mt. View	GMU 172	24	((April 15)) <u>May 1</u> - June 15
Lick Creek	GMU 175	18	((April 15)) <u>May 1</u> - June 15
Peola	GMU 178	5	((April 15)) <u>May 1</u> - June 15
Couse	GMU 181	5	((April 15)) <u>May 1</u> - June 15
Grande Ronde	GMU 186	5	((April 15)) <u>May 1</u> - June 15
Kitsap	GMU 627	5	((April 15)) <u>May 1</u> - June 15
Mason	GMU 633	5	((April 15)) <u>May 1</u> - June 15
Bear River	GMU 681	20	((April 15)) <u>May 1</u> - June 15
Long Beach	GMU 684	((10)) <u>6</u>	((April 15)) <u>May 1</u> - 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)) <u>May 1</u> - June 15
Copalis	GMU 642, 648, and 638 (excluding U.S. Forest Service lands).	50	((April 15)) <u>May 1</u> - 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.

Female black bear with offspring: It is unlawful to harvest/take a female black bear accompanied by one or more offspring or harvest/take offspring. Offspring are defined as less than one year old or less than 50 pounds.

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 (collection of biological samples): 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)) five 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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-02-015 (Order 20-270), § 220-415-080, filed 12/28/20, effective 1/28/21. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 19-22-061 (Order 19-275), § 220-415-080, filed 11/5/19, effective 12/6/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-080, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, and 77.32.070. WSR 17-19-088 (Order 17-253), § 220-415-080, filed 9/19/17, effective 10/20/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-415-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-286,

filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-066 (Order 15-99), § 232-28-286, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-28-286, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-12-006 (Order 12-90), § 232-28-286, filed 5/23/12, effective 6/23/12; WSR 11-16-015 (Order 11-167), § 232-28-286, filed 7/22/11, effective 8/22/11. 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. WSR 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. WSR 09-09-082 (Order 09-52), § 232-28-286, filed 4/15/09, effective 6/16/09; WSR 08-01-052 (Order 07-292), § 232-28-286, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 07-01-049 (Order 06-300), § 232-28-286, filed 12/14/06, effective 1/14/07; WSR 06-11-030 (Order 06-90), § 232-28-286, filed 5/8/06, effective 6/16/06.]

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposed amendments to WAC 220-415-080, currently titled "2021 Spring black bear special permits", is to carry forward a long-standing spring recreational hunting opportunity of black bears on an annual basis. If the proposed amendments are adopted, WDFW would issue a limited number of spring bear special hunting permits each year for geographically focused spring hunting of black bear, that can in some instances help address other management issues such as human-bear conflict, commercial timber damage or concerns for ungulate species neonate recruitment. WDFW is proposing to remove the year from the title of WAC 220-415-080, and to add a stipulation prohibiting harvest of female black bears with offspring and prohibiting the harvest of offspring. Offspring would be defined as less than one year old or less than 50 pounds. The proposed amendments also include minor modifications to harvest and inspection procedures. The anticipated effect of the proposed amendments, if approved, would be a limited, annual hunting opportunity for approximately 664 hunters who receive permits, and WDFW anticipates approximately 145 black bears would be harvested annually through this limited permit hunting opportunity.

Reasons supporting proposal: On January 21, the Fish and Wildlife Commission voted in response to a rule making petition to initiate rulemaking to amend WAC 220-415-080 with a proposal to remove from the title the year "2021." 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 of spring hunting opportunities and there is very strong interest from hunters for the limited spring bear hunting permits. Washington State black bear population is robust and an annual spring hunt with approximately 664 permits is sustainable. WDFW is proposing a reduction in permit numbers for hunt unit 684 (from 10 to 6 compared to 2021) in order to reduce crowding on the limited accessible areas of mostly private land. Removing the year from the title would minimize the need for annual rulemaking unless hunt areas or permit levels need adjustment. The addition of a prohibition on the harvest of offspring and females with offspring would minimize the potential of orphaning cubs. The edits to the language related to animal inspection would clarify to hunters the components necessary for harvest check and inspection. The proposed revisions clearly state 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, 77.12.047.

Statute being implemented: RCWs 77.04.012, 77.04.055, and 77.12.047.

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION: []

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]

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> 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)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((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: February 1, 2022

Name: Annie Szvetecz

Title: WDFW Rules Coordinator

Signature:

A handwritten signature in black ink, appearing to read "Annie Szvetecz", written in a cursive style.