

Concise Explanatory Statement (CES)

Concise Explanatory Statement for WAC 220-415-080 2021 Spring Black Bear Season and Regulations

Rules amended as part of this rulemaking:

WAC 220-415-080 spring black bear special permits.

Rules repealed as part of this rulemaking:

N/A.

Rules created as part of this rulemaking:

N/A.

1. Background/Summary of Project:

Washington State has an abundant and healthy black bear population that the Department believes to be around 25,000 upon density research and amount of available habitat; however, currently there is no formal population estimate of black bear population size in Washington. For management purposes, the state is divided into nine black bear management units (BBMUs). Harvest levels vary between BBMU depending on hunter effort and local population size and habitat conditions. To maintain stable bear populations, modifications to harvest levels are made on a three-year rotation. The total harvest, the percentage of females in the total harvest, and median ages of harvested males and females are used by WDFW as general indicators of harvest impact (Beecham and Rohlman 1994).

The Game Management Plan (GMP) guides the WDFW's management of hunted wildlife. The focus is on the scientific management of game populations, harvest management, and other significant factors affecting game populations.

As mandated by the Washington State Legislature (RCW 77.04.012), "... the Department shall preserve, protect, perpetuate, and manage the wildlife..."; "the Department shall conserve the wildlife... in a manner that does not impair the resource..."; and "The commission shall attempt to maximize the public recreational... hunting opportunities of all citizens, including juvenile, disabled, and senior citizens." It is this mandate that sets the overall policy and direction for managing hunted wildlife in the State of Washington. Hunters and hunting play a significant role in the conservation and management of Washington's wildlife.

An Environmental Impact Statement (EIS) for a prior version of the GMP was completed on November 27, 2002, after public review of draft and supplemental EIS documents. The Washington Fish and Wildlife Commission formally adopted that version of the GMP on December 7, 2002. That comprehensive process facilitated public discussion and understanding, while cooperatively developing the priority strategies. Public

comment and a supplemental EIS were used to update the GMP for 2015-21 and that GMP has been extended through June of 2023.

The overall goals expressed by WDFW in the GMP are to protect, sustain, and manage hunted wildlife; provide stable, regulated recreational hunting opportunity to all citizens; protect and enhance wildlife habitat; and minimize adverse impacts to residents, other wildlife, and the environment.

The statewide black bear management goals in the GMP are specifically tailored to Washington State's black bear population. Science and the professional judgment of biologists is the foundation for all objectives and strategies identified in the GMP. Chapter two of the GMP focuses on the science and management of hunted species and lays out how those populations will be monitored to ensure perpetuation of these species over the long term. In addition, the GMP chapter on black bear includes specific strategies that WDFW is currently implementing to better understand population dynamics of black bear in the State of Washington.

As described in the GMP, spring hunts are designed to address emerging management needs, such as black bear damage to trees in commercial timberlands, minimizing bear-human conflict, and/or to more evenly distribute harvest compared to fall seasons.

The spring black bear permit hunts allow WDFW to geographically distribute hunters as compared to the general fall black bear season. This distribution provides additional recreational opportunity, and helps to mitigate bear timber damage, reduce bear densities in areas of high negative bear-human interactions and where ungulate neonate survival is low due to possible bear predation. The spring black bear permit season is designed to target specific areas where these opportunities and issues occur. Over the past ten years, Washington's average annual black bear mortality was 1,771. The average fall harvest over the past five years was 1,556 and spring was 114. The previous five-year averages were 1,499 and 74, respectively. The proportional harvest of the spring season is small. The five-year average spring bear harvest is seven percent of the total bear harvest. Given the small percentage, spring bear hunting is unlikely to substantially diminish the bear resource.

While the number of black bear harvested in the spring is comparatively small, there is significant hunter interest in participating in the spring black bear hunting season. WDFW uses a lottery draw process to issue permits to selected hunters in the limited black bear season. In 2019, 10,264 hunters applied to be considered for a black bear spring permit, and WDFW issued 778 permits.

Spring and fall bear harvest are summed when WDFW considers bear harvest management. As discussed in the GMP, WDFW currently manages black bear harvest by monitoring age and sex of bears harvested as an indicator of harvest impact. The premise of this method is based on the vulnerability of different sex and age classes of black bears (Beecham and Rohlman 1994). If the ages of harvested bears decline and percentage of females in the harvested population increases, then the harvest impact on the bear population is likely increasing. A drawback of this method is that sex and age data alone are not necessarily accurate measures of population status. To improve upon this, WDFW has begun a multi-year effort to gather bear densities across the state. This strategy is explained further in the GMP. The information gathered will inform WDFW's future

management efforts and is likely to be incorporated in future versions of the Game Management Plan.

The amendments to WAC 220-415-080 are minor. To update the spring black bear season and regulation from 2020 to 2021, WDFW staff proposed changes to align season dates to the 2021 calendar; adjust permit numbers where needed and clarify information about biological samples collected from harvested bears through a check-in process conducted by department staff. Aligning season dates sets the season for the appropriate dates for the calendar year and standardizes the opening and closing dates.

The Washington Fish and Wildlife Commission (FWC) is the supervising authority for WDFW. It consists of nine governor-appointed members serving six-year terms, holding meetings and hearings and offering opportunities for the public to weigh in on fish and wildlife issues. Four commissioners form a Wildlife Committee that regularly meets with WDFW's Wildlife Program staff. On December 4 and 5, 2020, the FWC considered the proposed rule, heard a WDFW staff presentation that summarized public comment and explained the rationale for the proposed amendments, and also heard additional public comments. On December 18, 2020 the FWC made its decision to approve WDFW staff's recommendation to amend WAC 220-415-080 with one commissioner not voting to approve.

2. Reasons for adopting the rule:

WDFW has used the spring bear permit season to provide recreational hunting opportunity and address emerging issues since 2002. WDFW's mandate and statutory authority to provide this recreational hunting opportunity is described in the background paragraph above. The specific reasons for the amendments to WAC 220-415-080, as adopted by the FWC on December 18, 2020, are:

- Provide a spring black bear recreational hunting opportunity in 2021 that helps the Department disperse hunting opportunity and potentially address timber damage, human-bear conflict and ungulate neonate survival.
- Standardize season dates for consistency with the 2021 calendar.
- Clarify language associated with spring bear check-in to gather biological information on harvested bear.
- Reduce permit numbers on the Long Beach hunt by two to reduce hunter crowding given the limited private land access in that area.
- Remove Weyerhaeuser-Columbia Timber Lands from the North Skagit Hunt area because they are not allowing access.

3. Differences between the text of the proposed rule and the rule as adopted:

N/A.

4. Public comments, response to comments, and consideration of comments:

Below are the common comments received:

- Opposition to spring bear hunting in general.
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- Want more free access to timber company land.
- Did not understand the proposal.

- Would like to see more permits offered.
- Would like to see more game management units (GMUs) included.
- Would like to see a general spring bear season.
- Not enough bear population information.
- Possible cub orphaning.
- No evidence that these hunts are having the desired effects.
- The general public may not agree with these hunts.

WDFW received a form letter from five hundred and four (504) people opposing spring bear hunting in general. Most of the three hundred and twenty-eight (328) people that participated in the online survey were in favor of the proposed rule changes. Those that were opposed had multiple reasons. We have summarized the most commonly expressed concerns and WDFW responses below:

Comment: Opposed to spring bear hunting in general.

WDFW understands that some people strongly oppose spring bear hunting. However, WDFW's core statutory mandate is to promote recreational hunting consistent with conservation of the State's wildlife resources. Spring black bear hunts are included in the current, FWC-approved Game Management Plan. Spring black bear permit hunting is a valuable tool that helps us manage bears in individual areas and GMUs where an unchecked black bear population could be detrimental to private interest and wildlife populations. This rule maintains spring bear hunting without detriment to the overall bear population, while helping to reduce bear populations in specific areas where an overabundance of black bears is anticipated to be problematic.

Comment: Opposed to bear hunting in general.

Hunting is an important tenant of the North American Model of Wildlife Conservation. The Department has a statutory mandate to provide this hunting opportunity to the extent it is consistent with conservation concerns. Hunters contribute most of the funding that allows WDFW to manage wildlife species. Bear hunting is a long-held tradition in this state and recreational hunting is a legitimate use of this natural resource. Spring black bear hunts are included in the WDFW's Game Management Plan, that was extended to cover the period of 2015-2023. Spring black bear hunts have occurred every year since 2002 and existed prior to then as well. Fall hunting also occurs annually. Because of the long-standing history and the WDFW's mandate to provide recreational hunting opportunity, the department did not propose discontinuing the spring bear hunt and instead proposed the 2021 season with dates aligning to the 2021 calendar and other minor adjustments.

Comment: More free access to timber company land.

The Department is also concerned with the loss of access to private timber lands. WDFW is working with those landowners to secure additional access. This rule is specific to spring black bear hunting and excludes those lands that do not allow access. If timber companies want to use spring bear hunting to reduce timber damage, they would have to allow access. The Department does not have the authority to allow access to private lands.

Comment: Did not understand the proposal.

Many of the commenters did not read the rule and relied on the summary that we provided to shape their view of the proposal. The summary was not intended to provide all of the information contained in the rule. WDFW will in the future provide clearer instructions to review the full proposed rule when asking for comments.

Comment: Would like to see more permits offered.

These permit hunts are intended to compliment the fall bear hunting opportunity, and together the spring and the fall provide ample hunting opportunity. These complimentary seasons are intended to disperse hunter opportunity and bear harvest to areas where additional hunting opportunity exists and to help solve specific issues in certain GMUs. The numbers of permits offered in the spring are based on the number of bears WDFW game biologists would like removed from the population to achieve WDFW's management objectives. The calculation considers harvest success rates and how harvest will affect the overall bear population at the BBMU scale based on parameters from WDFW's Game Management Plan that relate to the percentage of adult females in the harvest.

Comment: Would like to see more GMUs included.

These permit hunts are intended to compliment the fall black bear hunting opportunity. They are intended to disperse hunter opportunity and bear harvest to areas where more hunting opportunity exists and that also may solve specific issues in certain GMUs. WDFW provides general season opportunity for hunters to harvest a black bear during the fall general season.

Comment: Would like to see a general spring bear season.

Bears can be more susceptible to harvest in the spring and that is why WDFW limits the scope of the spring bear season. Given that the bear resource is finite, opening a general spring bear season could result in a higher than desired bear harvest that would necessitate reducing harvest opportunity elsewhere. This could mean a reduced bag limit or a shorter fall season.

Comment: Not enough bear population information is available to assure that the spring bear season is not harming bear populations.

Washington State has a robust population of black bears. The average fall harvest over the past five years was 1,556 and spring was 114. Spring bear harvest accounts for a small proportion (7%) of overall bear harvest in Washington. Given the small percentage, spring bear hunting is extremely unlikely to substantially diminish the bear resource. Spring and fall bear harvest are summed when we consider bear harvest management. As explained above and in the GMP, WDFW currently manages bears harvest by monitoring age and sex of bears harvested as an indicator of harvest impact. The premise of this method is based on the vulnerability of different sex and age classes of black bears (Beecham and Rohlman 1994). If the ages of harvested bears decline and percentage of females in the harvested population increases, then the harvest impact on the bear

population is likely increasing. A drawback of this method is that sex and age data alone are not necessarily accurate measures of population status. To improve upon this, WDFW has begun a multi-year effort to gather bear densities across the state. This information will inform future WDFW management efforts and is likely to be incorporated in future versions of the Game Management Plan.

Beecham, J. J, and J. Rohlman. 1994. *A shadow in the forest: Idaho's black bear*. University of Idaho Press, Moscow, Idaho, USA.

Comment: Possible cub orphaning.

WDFW is also concerned about the potential of orphaning cubs, and WDFW strongly urges hunters to avoid harvesting females with cubs. WDFW includes information that educates hunters on how to avoid shooting sows with cubs in all application materials, fall game regulations and also in letters that WDFW sends out to hunters if they receive a permit through the lottery draw. This is also part of WDFW's hunter education curriculum. WDFW currently does not have statistics about orphaning rates during spring or fall hunts. WDFW has begun a mandatory check-in process for spring permit hunts to evaluate this by inspecting harvested female bears for lactation. This information will shed light on the prevalence of orphaning that would be useful for future management.

Comment: The general public may not agree with these hunts.

WDFW underwent the current GMP process in 2013-14 and the Commission adopted the current plan for 2015-2021 (which was extended through 2023 in 2020). This process provided opportunity for the public to comment on both spring and fall bear hunts, as has each annual season-setting that has occurred since then, included the current process. WDFW understands that some segments of the general public oppose spring bear hunting, and a proportion of those same people oppose hunting in general. There are also many communities throughout Washington that support hunting as a legitimate use of the resource. For many, this is a traditional way of life that family members share and also provides economic benefits to rural communities. WDFW captured a breadth of perspectives during the public comment period and has also responded to concerns held by Washingtonians who strongly support hunting above.