



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 05, 2020

TIME: 1:25 PM

WSR 20-20-098

**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 20-17-109 on August 17, 2020 ; 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 2021 Spring black bear special permits.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
December 3-5, 2020	8 a.m.	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Visit our website at <a href="http://wdfw.wa.gov/about/commission/meetings">http://wdfw.wa.gov/about/commission/meetings</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:** December 18, 2020 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA. 98504

Email: [Wildthing@dfw.wa.gov](mailto:Wildthing@dfw.wa.gov)

Fax: (360) 902-2162

Other: <https://www.surveymonkey.com/r/DKDY6SD>

By (date) October 29, 2020

**Assistance for persons with disabilities:**

Contact Dolores Noyes

Phone: (360) 902-2346

Fax:

TTY: (360) 902-2207

Email: [dolores.noyes@dfw.wa.gov](mailto:dolores.noyes@dfw.wa.gov)

Other:

By (date) November 26, 2020

**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 align the rules with the appropriate season dates; adjust permit numbers in areas where needed; adjust hunting areas where needed; and update harvest check, submitting biological samples and bear teeth requirements.

- Adjusted the years for spring black bear special permit hunts beginning April 15-June 15, 2021. The title will be as follows: 220-415-080 2021 Spring black bear special permits.
- Removed Weyerhaeuser - Columbia Timber Lands from the North Skagit hunt.
- Adjusted the number of permits.

- Clarified the language for animal inspection.

**Reasons supporting proposal:** The change in title is editorial and clarifies the 2021 special permit hunts. The season date changes are intended to align all the spring seasons for consistency. The change to GMU 418 lets hunters know that Weyerhaeuser Columbia - Timber Lands are no longer part of this hunt boundary. The permit change in GMU 684 reflects the number of permits that the local biologist believes should be in place to deal with the conflict and maintain a viable bear population. The additional language related to the animal inspection is intended to clarify to hunters that the pelt and head must be unfrozen and that the evidence of sex must be attached. We further clarify that we will not be sealing the pelt and this is merely an inspection of the animal to collect biological information.

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

**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  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: The rule proposal does not require a cost-benefit analysis.

**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:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

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 \_\_\_\_\_.

Explanation of exemptions, if necessary:

**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:** October 5, 2020

**Name:** Ben Power

**Title:** WDFW Interim Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 19-22-061, filed 11/5/19, effective 12/6/19)

**WAC 220-415-080 ((2020)) 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) - 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 - ((May 31)) June 15
Mason	GMU 633	5	April 15 - ((May 31)) June 15
Bear River	GMU 681	20	April 15 - ((May 31)) June 15
Long Beach	GMU 684	((+2)) 10	April 15 - ((May 31)) June 15
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, ((Weyerhaeuser-Columbia Timber Lands,)) 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:** 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 ((sealing)) inspection within 5 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 the submission of biological samples is a misdemeanor pursuant to RCW 77.15.280.