



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: 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 https://wdfw.wa.gov/about/commission or contact the Commission office at (360) 902-2267 or commission@dfw.wa.gov 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
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
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?	<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: 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 long horizontal stroke at the end.

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	((40)) 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.