

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.

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)) <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 | ((40)) <u>6</u> | ((April 15)) <u>May 1</u> - June 15 |

| Hunt Name | Hunt Area | Permits | Season Dates |
|--------------|--|---------|--|
| 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 - June 15</u> |
| Copalis | GMU 642, 648, and 638 (excluding U.S. Forest Service lands). | 50 | ((April 15)) <u>May 1 - June 15</u> |

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(~~(,)~~). 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.