

Summary Sheet

Meeting dates: June 28, 2019 Conference Call

Agenda item: Fall Black Bear Hunting Seasons and Regulations - Decision

Presenter(s): Stephanie Simek, Carnivore and Furbearer Section Manager, Game Division, Wildlife Program

Background summary:

Staff briefed the Commission on proposed amendments to WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

Highlights of the proposed fall black bear hunting season and regulations:

- Adjust season dates to open Aug 1 statewide
 - Change bag limit to two bears/license year statewide
 - Remove 2018 dates
 - Remove GMUs 419, 420, and 421 because the opportunity to harvest a bear in these GMUs is extremely rare given there is no resident bear population
 - Add clarifying language regarding annual Bear ID test in identified GMUs
 - Remove redundant language under "Area Restrictions"; which states GMUs 410 and 422 are closed for black bear hunting.
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Policy issue(s) and expected outcome:

- Increase recreational hunting opportunity by a minimum of 15 days and a maximum of 30 days in eastern Washington. Further increase opportunity in 6 of 11 hunt areas by allowing harvest of two bears per license year.
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Fiscal impacts of agency implementation:

No fiscal impacts beyond the status quo.

Public involvement process used and what you learned:

The Department notified approximately 12,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulation amendments. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the June 14-15, 2019 Commission meeting in Port Angeles, Washington.

Action requested and/or proposed next steps:

Adopt WAC 220-415-090 as presented.

Draft motion language:

I move to adopt WAC 220-415-090 as presented.

Post decision communications plan:

- WDFW Website
 - News Release
 - Targeted outreach to affected stakeholders
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AMENDATORY SECTION ~~(Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)~~

WAC 220-415-090 ((2018)) 2019-2020 Fall black bear hunting

seasons and regulations. It is unlawful to fail to comply with the provisions below. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280.

Black Bear Management Unit	Season	Hunt Area
Coastal	((Aug. 1 - Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	((Aug. 1 - Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 407, 454, 624, 627, 633, 652, 666, 667
North Cascades	((Aug. 1 - Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 418 ((- 421)), 426-450, 460
South Cascades	((Aug. 15 - Nov. 15, 2018)) <u>Aug. 1</u> - Nov. 15, 2019 Aug. ((15)) <u>1</u> - Nov. 15, 2020	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	((Aug. 15 - Nov. 15, 2018)) <u>Aug. 1</u> - Nov. 15, 2019	GMUs 203, 209-243

Black Bear Management Unit	Season	Hunt Area
	Aug. ((15)) <u>1</u> - Nov. 15, 2020	
East Cascades	((Aug. 1 - Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	((Sept. 1 - Nov. 15, 2018 Sept.)) <u>Aug. 1</u> - Nov. 15, 2019 ((Sept.)) <u>Aug. 1</u> - Nov. 15, 2020	GMUs 101-121, 204
Northeastern B	((Aug. 15 - Nov. 15, 2018 Aug. 15)) <u>Aug. 1</u> - Nov. 15, 2019 Aug. ((15)) <u>1</u> - Nov. 15, 2020	GMUs 124-130
Blue Mountains	((Sept. 1 - Nov. 15, 2018 Sept.)) <u>Aug. 1</u> - Nov. 15, 2019 ((Sept.)) <u>Aug. 1</u> - Nov. 15, 2020	GMUs 145-154, 162-186
Columbia Basin	((Aug. 1 - Nov. 15, 2018)) Aug. 1 - Nov. 15, 2019 Aug. 1 - Nov. 15, 2020	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	((Sept. 1 - Nov. 15, 2018 Sept.)) <u>Aug. 1</u> - Nov. 15, 2019 ((Sept.)) <u>Aug. 1</u> - Nov. 15, 2020	GMU 699

Bag Limit: Two (2) black bear per annual hunting season((~~only one of which may be taken in Eastern Washington~~)).

Area Restriction: Special deer permit required to hunt black bear in GMU 485. ~~GMUs 410 and 422 are closed for black bear hunting.~~ Hunters that choose 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 or equivalent test from another state and carry proof of successful completion.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Other Requirements: Hunters that choose 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.

Submitting Biological Samples and Bear Teeth: Successful bear hunters must comply with harvest reporting and submission of biological samples including the black bear premolar tooth located behind the canine tooth of the upper jaw. 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, 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), § 220-415-090, filed 5/11/18, effective 6/11/18. 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 § 220-415-090, filed 2/15/17, effective 3/18/17. 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), § 232-28-288, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047. WSR 12-12-006 (Order 12-90), § 232-28-288, filed 5/23/12, effective 6/23/12. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070,

77.32.530. WSR 10-10-061 (Order 10-94), § 232-28-288, filed 4/30/10,
effective 5/31/10.]

RECOMMENDED ADJUSTMENTS

The department recommends the following adjustments since the Code Reviser filed (CR-102). The adjustments are included in your notebooks.

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- Change: Under “Area Restriction” remove redundant language which states GMUs 410 and 422 are closed for black bear hunting.

Rationale: This information is already provided within the prior section which outlines the hunt areas, dates, and GMUs. Striking this language provides clarity.

- Change: Under “Area Restrictions” add the term annual to further clarify the bear identification test is an annual test.

Hunters that choose 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 or equivalent test from another state and carry proof of successful completion.

Rationale: The proposed change provides clear direction regarding how often the bear identification test must be taken for the GMUs identified in grizzly bear areas.

Summary of Public Comments Received During the Official Comment Period and WDFW Response:

WAC 220-415-090 2018-2019-2020 Fall black bear hunting seasons and regulations.

There were 708 comments received through on-line survey and another 30 emailed comments submitted for the WAC proposal.

Supporting Comments:

There were 714 comments in support of the proposed changes. Levels of support varied from support of the two bear bag limit only, support of the August 1 open season date, or support of both. Many expressed the desire for reinstating baiting and hound hunting, others expressed concern that the August 1 date may result in wastage/spoiled meat, and others stated a desire for more spring bear hunting opportunity. Several mentioned support as direct relationship to improving ungulate populations. Most commented general support of a standardized bag limit and season open date. Additionally, a couple expressed support and indicated the changes may attract hunters from Idaho.

Opposing, Neutral, and Other Comments:

Nine (9) comments were received in opposition and eleven (11) were neutral. Several of those that opposed suggested that the two bear bag limit will place too much pressure on the bear populations, it is too hot for an August 1 opener, and alternatives such as opening a spring draw season in the south and north cascades so that it spreads out hunting pressure and gives more opportunity to hunters that participate in spring bear draws. One (1) commenter questioned why we would conduct a survey, stating if the population can support the change then the rule should be adjusted.

Fish and Wildlife Commission Hearing, Public Comments:

One (1) commenter expressed concern that the two bear bag limit and August 1st season open date were premature given the recent research and current monitoring/density assessment the department is conducting.

Direction and Rationale:

The department will move forward with the recommendations to the Fish and Wildlife Commission. The department will strike the 2018 dates from the current rule as those dates have passed. The department will create a statewide black bear bag limit of two and a statewide season open date of August 1. These changes will increase the number of hunting days and will allow hunters to harvest two bears in eastern Washington. Further the department will remove Game Management Units (GMUs) where opportunities to harvest are extremely rare. The department believes that these changes will promote more opportunity for black bear hunting in Washington.



PROPOSED RULE MAKING

CR-102 (August 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 23, 2019

TIME: 11:35 AM

WSR 19-10-025

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 19-06-080 on March 05, 2019 ; 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).

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

June 14-15, 2019	8:00 a.m.	Red Lion Hotel 221 N. Lincoln Port Angeles, Washington 98362	
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Date of intended adoption: June 14-15, 2019 (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

Fax: (360) 902-2162

Other: <https://www.surveymonkey.com/r/ZN5J298>

By (date) May 16, 2019

Assistance for persons with disabilities:

Contact Delores Noyes

Phone: (360) 902-2349

Fax:

TTY: (360) 902-2207

Email: delores.noyes@dfw.wa.gov

Other:

By (date) June 7, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

The proposed changes provide more recreational hunting opportunity in Eastern Washington by increasing the bag limit to 2 bears per license year. Also the proposed changes increase recreational opportunity in the South Cascades, Okanogan, Northeastern A, Northeastern B, Blue Mountains, and Long Island by opening the season August 1 statewide. GMUs 419, 420, and 421 are being removed because bear hunting opportunities in these GMUs is extremely rare and it may be mis-leading to hunters. The final edit is to remove the 2018 dates as they have already occurred.

Reasons supporting proposal:

WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

The proposed amendments will simplify rules by creating a statewide bag limit and season opener. Additionally, the proposed amendments will remove emphasis on GMUs where bear harvest is unlikely.

Statutory authority for adoption:

RCWs 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.32.070, 77.32.090, 77.32.370 and 77.32.530

Statute being implemented:

RCWs 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.32.070, 77.32.090, 77.32.370 and 77.32.530

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes 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	Natural Resources Building 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 19.85.025 (4).

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: April 23, 2019	Signature: 
Name: Scott Bird	
Title: Rules Coordinator	