

Spring Black Bear Seasons and Regulations - Decision

WAC 220-415-080

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Summary Sheet

Meeting dates: December 18, 2020

Agenda item: 2021 Spring Black Bear Seasons and Regulations–Decision

Presenter(s): Anis Aoude, Wildlife Program Game Division Manager

Background summary:

Department staff briefed the Commission on proposed amendments to WAC 220-415-080 Spring black bear special permits.

The proposed amendments are to align season dates; adjust permit numbers where needed and clarify information about biological samples collected from harvested bears through a pelt check-in process conducted by department staff.

Staff recommendation:

- Standardize season dates.
 - Clarify language associated with spring bear check-in.
 - Reduce permit numbers on the Long Beach hunt by two.
 - Remove Weyerhaeuser-Columbia Timber Lands from the North Skagit Hunt area because they are not allowing access.
-

Policy issue(s) and expected outcome:

No policy issues.

Fiscal impacts of agency implementation:

No fiscal impact.

Public involvement process used and what you learned:

The Department posted draft proposed rules on the WDFW website for a 30-day review and comment period. The comment period was prior to the December Fish and Wildlife Commission meeting. The department collected public testimony at the December 3-5, 2020 Commission meeting and public hearing.

Action requested and/or proposed next steps:

Adopt WAC 220-415-080 as presented.

Draft motion language:

Motion: I move to adopt WAC 220-415-080 as presented by staff.

Is there a “second”?

Post decision communications plan:

WDFW Website
News Release

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.

Summary of Public Comments Received During the Official Comment Period and Washington Department of Fish and Wildlife (WDFW) Response:

WAC 220-415-080 2021 Spring black bear special permits.

We received 835 total comments on these proposed rule changes. Three hundred twenty-eight came through our online survey and three emails with attached letters and 504 form emails that were organized by The Humane Society of the United States (HSUS). Some of the online respondents did not indicate if they agreed or disagreed with the proposed rule changes.

Written Supporting Comments:

Sixty three percent (114) of the non-neutral online respondents indicated that they agreed with this rule change.

Written Opposing, Neutral, and Other Comments:

Thirty seven percent (68) of the non-neutral online respondent disagreed with the proposed rule. Forty five percent of all survey respondents were neutral or did not provide an answer.

All 504 form emails said the following: "Bears are highly sentient and deserve not to be harassed by hunters, particularly during the fragile time when females with cubs are emerging from their dens. A springtime hunt would subject bears, including nursing mothers, to the stress of being chased and harassed while they are in poor physical shape--a hunt that would be unthinkable for other big game species such as deer and elk. Trophy hunters often unknowingly kill nursing mothers, which orphans cubs leaving them to suffer from starvation, predation, or exposure.

Washington bears should be safeguarded, not hunted. They should be allowed the chance to grow and recover from hibernation not hunted. "Please do not allow trophy hunting of black bears during the spring."

Below are some of the common comment from the online survey:

- Opposition to spring bear hunting in general.
- Opposition to bear hunting in general.
- Wanted more free access to timber company land.
- Did not understand the proposal.
- Would like to see more permits offered.
- Would like to see more GMUs included.
- Would like to see a general spring bear season.

The three letters that we received also opposed the proposed rule changes. All three opposed spring bear hunting in general. The reasons they gave include:

- 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.

Rationale-Agency Action Regarding Comments:

The spring bear permit hunts allow us to use hunters to help 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 bear permit season is intended to target specific areas where these issues occur. The proportional harvest of the spring season is small. The spring bear harvest ranges between 5-10% of the total bear harvest.

Most of the survey comments were in favor of the proposed rule changes. Those that were opposed had multiple reasons. We have outlined the most prominent reasons and WDFW's consideration below:

Comment: Opposed to spring bear hunting in general.

WDFW understands that spring bear hunting is controversial. Spring bear permit hunting is a valuable tool that helps us manage bears in individual areas and GMUs where an unchecked bear population could be detrimental to private interest and wildlife populations. The intent of this rule is to maintain spring bear hunting without detriment to the overall bear population, while helping us reduce bear populations in specific areas.

Comment: Opposed to bear hunting in general.

Doing away with bear hunting was not considered a viable option. Hunting is a big part of the North American Model of Wildlife Conservation and hunters contribute most of the funding that allows us 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.

Comment: More free access to timber company land.

The Department is also concerned with the loss access to private timber lands. We are working with those landowners to secure additional access. This rule is specific to spring 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 did not have sufficient information, and this left those that did not review the rule confused. We will in the future have clearer instructions when asking for comments.

Comment: Would like to see more permits offered.

These permitted hunts are not intended to maximize hunting opportunity. They are intended to solve specific issues in certain GMUs. We have ample opportunity for hunters to harvest a bear during the fall general season. The numbers of permits offered in the spring are based on the number of bears biologists would like removed from the population to achieve their objectives. The calculation considers harvest success rates and how harvest will affect the overall bear population at the Bear Management Unit scale based on parameters from our Game Management Plan that relate to percent adult females in the harvest.

Comment: Would like to see more GMUs included.

These permitted hunts are not intended to maximize hunting opportunity. They are intended to solve specific issues in certain GMUs. We have ample opportunity for hunters to harvest a bear during the fall general season. GMUs are added only if we are trying to address a specific issue in that GMU.

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

Bears can be more susceptible to harvest in the spring and that is why we limit 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.

Spring bear harvest accounts for a small proportion (5-10%) of overall bear harvest in Washington. Given the small percentage, spring bear hunting is unlikely to substantially diminish the bear resource. Spring and fall bear harvest are summed when we consider bear harvest management. We currently manage bears harvest by monitoring age and sex of bears harvested as an indicator of exploitation levels. 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 exploitation level of 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, we have begun a multi-year effort to gather bear densities across the state. This information will inform our future 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.

The possibility of orphaning cubs certainly exists, and we urge our hunters to avoid harvesting females with cubs through our rules and in the permit information. We currently do not have any statistics about orphaning rates during spring or fall hunts. We have 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.

We understand that some segments of the general public oppose spring bear hunting. A proportion of them oppose hunting in general. We capture those perspectives during our public comment period and address many of their concerns above.

Fish and Wildlife Commission Hearing, Public Comments:

Fourteen people commented on the proposed rule change. One person spoke in favor of the proposed rule changes. All the other comments were in opposition of having a spring bear hunting season.

Rationale-Agency Action Regarding Comments:

Comments received during the commission meeting were similar in content to comments that we received during the open comment period and were addressed above.



PROPOSED RULE MAKING

CR-102 (December 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: 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 http://wdfw.wa.gov/about/commission/meetings 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: 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

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

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:

