

18. 2012-2015 BLACK BEAR SEASONS AND REGULATIONS – RULE ACTION

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“GREEN SHEET”

Meeting: April 13-14, 2012

Agenda Item 18: 2012-2015 Black bear hunting seasons and regulations– **Rule Action**

Prepared By: Donny Martorello, Ph.D.

Presented By: Donny Martorello, Ph.D., Carnivore and Furbearer Section Manager, Wildlife Program

Background:

Department staff will brief the Commission on proposed amendments to WAC 232-28-288 2012-2014 Fall black bear hunting seasons and regulations and WAC 232-28-286 2013, 2014, 2015 Spring black bear seasons and regulations.

General Fall Black Bear Seasons:

In addition to trends in total bear harvest, the Department uses trends in median ages of harvested bears and the percentage of females in the total harvest as indicators of the status of bear populations (see 2009-2015 Game Management Plan). That data suggest bear populations are stable in most Black Bear Management Units (BBMUs) and are slightly declining in two BBMUs. However, because the indicators for sustainable harvest are “on the bubble” in terms of warranting a reduction in harvest and there is strong public support for maintaining the August portion of the bear season, the Department is recommending status quo bear seasons for 2012-2014 seasons.

Special Permit Spring Black Bear Seasons:

Spring black bear seasons are used for four major purposes in Washington: to reduce female harvest, focus harvest pressure, reduce damage to trees, and reduce spring nuisance bear activity. The Fish and Wildlife Commission has implemented spring bear damage hunts in five areas of western Washington to reduce bear damage to trees in the spring. The Department of Natural Resources (DNR) contacted the Washington Department of Fish and Wildlife (WDFW) about potential interest in expanding the spring bear damage hunts in five additional areas in Region Four. However, in more recent discussions, DNR has opted to use U.S. Department of Agriculture’s Wildlife Services to address bear damage on their lands rather than WDFW authorized spring damage hunts.

In northeastern Washington, the Fish and Wildlife Commission has implemented spring bear hunts to address spring bear nuisance activity, mostly associated with years following a shortage of natural foods. One of the issues discussed during the scoping phase of the three-year hunting season package was additional spring bear harvest opportunity in northeastern Washington. The biological thresholds suggest that total bear harvest in northeastern Washington is “on the bubble” in terms of impacting the local bear populations. So additional spring bear opportunity would need to be offset by reducing fall bear harvest if the population objective is to not impact the bear population. Based on the scoping surveys, bear hunters preferred status quo over other options. As such, the Department is recommending status quo season dates and harvest levels for spring bear hunts in Washington.

Policy Issue(s) you are bringing to the Commission for consideration:

- Maintain status quo general fall black bear seasons.
 - Maintain status quo special permit spring black bear seasons.
-

Public involvement process used and what you learned:

The Department conducted an extensive public involvement process to develop the 2012-2014 hunting season recommendations. In early August, an email was sent to over 50,000 hunters announcing that the Department was beginning the development of the 2012-2014 hunting season package. The email also informed them of the opportunity to provide their comments via an online issue scoping survey and invited them to attend one of the public meetings being held statewide. Six public meetings were held with approximately 150 people in attendance and nearly 4,000 responses were received on the scoping survey. In February, a postcard was mailed to approximately 600 organizations and individuals informing them of the opportunity to provide comments on the proposed regulations. These organizations and individuals were also informed of the opportunity to provide public testimony at the March Commission Meeting in Moses Lake.

Action requested (identify the specific Commission decisions you are seeking):

Amend WAC 232-28-286 2012-2014 Fall black bear hunting seasons and regulations and WAC 232-28-288 2013, 2014, and 2015 Spring black bear seasons and regulations, as presented.

Draft motion language:

I move to amend WAC 232-28-286 and 232-28-288 as proposed, to be effective June 16, 2012.

Justification for Commission action:

These changes meet the approved criteria established by OFM as a result of the Governor's Executive Order 11-03 Extending Executive Order 10-06 Suspending Non-critical Rule Development and Adoption by satisfying the following conditions:

- Necessary to protect public health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources.
 - Beneficial to or requested or supported by the regulated entities, local governments, or small businesses that it affects.
-

Communications plan:

WDFW Website
News Releases
Hunting Pamphlet

AMENDATORY SECTION (Amending Order 11-167, filed 7/22/11, effective 8/22/11)

WAC 232-28-286 ((2010, 2011)) 2013, 2014, and ((2012)) 2015 Spring black bear seasons and regulations. It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

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^b
Sherman	GMU 101	25	April 1 - June 15
Kelly Hill	GMU 105	25	April 1 - June 15
Douglas	GMU 108	20	April 1 - June 15
Aladdin	GMU 111	25	April 1 - June 15
49 Degrees North	GMU 117	25	April 1 - June 15
Huckleberry	GMU 121	25	April 1 - June 15
Blue Creek	GMU 154	15	April 15 - May 31
Dayton	GMU 162	15	April 15 - May 31
Tucannon	GMU 166	5	April 15 - May 31
Wenaha	GMU 169	45	April 15 - June 15
Mt. View	GMU 172	15	April 15 - May 31
Lick Creek	GMU 175	15	April 15 - May 31
Couse	GMU 181	4	April 15 - May 31
Grande Ronde	GMU 186	5	April 15 - May 31

North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber company.	20	April 15 - May 31
Monroe	That portion of GMU 448 that is designated as the hunt area by DNR, Green-Crow Campbell Group, and Longview Timber Lands.	25	April 15 - May 31
Copalis ^a	That portion of GMU 642 that is designated as the hunt area by Rayonier Timber Company.	100	April 15 - June 15
Kapowsin ^a	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management and International Forestry.	150	April 15 - June 15
Lincoln^a	That portion of GMU 501 that is designated as the hunt area by participating commercial timber landowners.	75	April 15 - June 15
^a Spring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees.			
^b Permits are valid for the license year they are issued.			

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 hunt black bear. 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.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

[Statutory Authority: RCW 77.12.047. 11-16-015 (Order 11-167), § 232-28-286, filed 7/22/11, effective 8/22/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, and 77.32.530. 10-10-061 and 11-02-044

(Orders 10-94 and 10-94A), § 232-28-286, filed 4/30/10 and 12/30/10, effective 5/31/10 and 1/30/11. Statutory Authority: RCW 77.12.047, 77.12.020. 09-09-082 (Order 09-52), § 232-28-286, filed 4/15/09, effective 6/16/09; 08-01-052 (Order 07-292), § 232-28-286, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. 07-01-049 (Order 06-300), § 232-28-286, filed 12/14/06, effective 1/14/07; 06-11-030 (Order 06-90), § 232-28-286, filed 5/8/06, effective 6/16/06.]

WAC 232-28-286 2013, 2014, and 2015 Spring black bear seasons and regulations.

RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

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- For the Monroe hunt, delete Green Crow as a participating landowner and add Campbell Group. The reason is Campbell Group purchased Green Crow lands.
- Delete the Lincoln hunt. The reason for the change is the commercial timber landowner requested to end the program.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-286 2013, 2014, and 2015 Spring black bear seasons and regulations

COMMENTS	AGENCY RESPONSE
<p>I believe that spring black bear harvest should be increased using the permit system already in place. Due to the risk of hunters misidentifying species, baiting should be considered to help eliminate the killing of Grizzly bears and black bear sows with cubs. It is my opinion that baiting would allow a hunter to observe the animals before attempting a kill. Due to the thick underbrush in NE WA, hunters are often faced with the decision to make hasty shots without enough time to observe the animal.</p>	<p>Thank you for your comment. At this time, the Department is closely monitoring the black bear harvest in NW Washington and other areas, as the median age of female bears is below objective. Baiting is a very successful method of harvesting bear; however, it has been banned by initiative and the Commission has no authority to change it. The Department has launched an online black bear-grizzly bear identification test to help hunters avoid misidentification. The new online test will be published in the 2012 Hunting Rules Pamphlet.</p>
<p>Increasing the spring bear harvest in Region 1 would be a good move; we have a very BIG black bear problem here in NE Washington. I am a logger here and I saw 27 black bears from the road last year and most everyone else that works in the woods have the same encounters with the numbers of bears seen. Fifteen years ago it was a surprise to see one and every one would talk about seeing one when they did see one. So I am all for this; it would be great to see the numbers come down a little, but I doubt that adding to the season will be much of a help now that the numbers are extremely high.</p>	<p>The Department is not recommending an increase in spring bear harvest in northeastern Washington at this time. The median age of female bears is below objective; however, the number of bears harvested in the last two years has declined, and the Department is hopeful that there will be an observed response in the next couple years in the median age of harvest females. As such, the Department is recommended status quo seasons.</p>
<p>Additional westside spring hunts is not a necessity at all unless done on state owned lands where bear populations are larger. Some of the current ones are set up to create opportunity, but do nothing at all for timber damage. Off unit poaching is out of hand.</p>	<p>Thank you for your comment. The Department is not recommending additional spring bear hunting in western Washington at this time. The Department is currently working with the Department of Natural Resources for a potential spring bear hunt on some of their lands. If that item moves forward, it would be under consideration by the Commission in June 2012.</p>

COMMENTS	AGENCY RESPONSE
Thank you for expanding permit numbers and extending the season in the northeast.	Thank you for your comment. The Department is not recommending additional spring bear hunting in northeastern Washington at this time. The median age of female bears is below objective; however, the number of bears harvested in the last two years has declined, and the Department is hopeful that there will be an observed response in the next couple years in the median age of harvest females. As such, the Department is recommended status quo seasons.
Leave the bear hunting as is.	The Department has revised the recommendation to status quo bear seasons.
Please consider a westside spring bear season that is general.	Thank you for your comment. Spring bear hunts are used as a management tool in western Washington to address tree damage by bears. The Department and participating landowners believe that limiting participation through a drawing process is appropriate given the objectives of the hunt.

AMENDATORY SECTION (Amending Order 10-94, filed 4/30/10, effective 5/31/10)

WAC 232-28-288 ((2010-2011)) 2012-2014 Fall black bear hunting seasons and regulations. It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15, ((2010)) <u>2012</u> Aug. 1 - Nov. 15, ((2011)) <u>2013</u> <u>Aug. 1 - Nov. 15, 2014</u>	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15, ((2010)) <u>2012</u> Aug. 1 - Nov. 15, ((2011)) <u>2013</u> <u>Aug. 1 - Nov. 15, 2014</u>	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15, ((2010)) <u>2012</u> Aug. 1 - Nov. 15, ((2011)) <u>2013</u> <u>Aug. 1 - Nov. 15, 2014</u>	GMUs 418-450, 460
South Cascades	((Aug. 14)) Sept. 15 - Nov. 15, ((2010)) <u>2012</u> ((Aug. 13)) Sept. 15 - Nov. 15, ((2011)) <u>2013</u> Sept. 15 - Nov. 15, <u>2014</u>	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654

Okanogan	Aug. ((44)) 18 <u>15</u> - Nov. 15, ((2010)) <u>2012</u> Aug. ((43)) 17-15 -Nov. 15, ((2011)) <u>2013</u> Aug. 16 <u>15</u> - Nov. 15, <u>2014</u>	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15, ((2010)) <u>2012</u> Aug. 1 - Nov. 15, ((2011)) <u>2013</u> <u>Aug. 1 - Nov. 15,</u> <u>2014</u>	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	Sept. ((4)) 4 <u>1</u> - Nov. 15, ((2010)) <u>2012</u> Sept. ((4)) 3-1 -Nov. 15, ((2011)) <u>2013</u> <u>Sept. 2-1 - Nov.</u> <u>15, 2014</u>	GMUs 101-121, 204
Northeastern B	Aug. ((44)) 18 <u>15</u> - Nov. 15, ((2010)) <u>2012</u> Aug. ((43)) 17-15 -Nov. 15, ((2011)) <u>2013</u> Aug. 16 <u>15</u> - Nov. 15, <u>2014</u>	GMUs 124-130
Blue Mountains	Sept. 1 - Nov. 15, ((2010)) <u>2012</u> Sept. 1 - Nov. 15, ((2011)) <u>2013</u> <u>Sept. 1 - Nov. 15,</u> <u>2014</u>	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15, ((2010)) <u>2012</u> Aug. 1 - Nov. 15, ((2011)) <u>2013</u> <u>Aug. 1 - Nov. 15,</u> <u>2014</u>	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	Sept. 1 - Nov. 15, ((2010)) <u>2012</u> Sept. 1 - Nov. 15, ((2011)) <u>2013</u> <u>Sept. 1 - Nov. 15,</u> <u>2014</u>	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.

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.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

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

WAC 232-28-288 Fall black bear hunting seasons and regulations.

RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

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- For the South Cascades Black Bear Management Unit, change opening day to Aug. 15 for 2012, 2013, and 2014. Though population status indicators suggest the need for a slight reduction in bear harvest, bear harvest declined following season reductions in 2009-2011, and it may take a couple more years for the population indicators to reflect the population response to those reductions. Therefore, the agency is reinstating status quo seasons for this unit. Additionally, Aug. 15 was chosen to simplify the season dates by using a constant date rather than a calendar date change every year.

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- Change the opening day in the Okanogan and Northeastern B Black Bear Management Units from Aug 18, 2012, Aug 17, 2013, and Aug 16, 2014 to Aug 15, 2012, Aug 15, 2013, and Aug 15, 2014. The reason for the change is to simplify the season closure dates to a constant date rather than a calendar date change every year. There is no biological impact.
- For the Northeastern A black bear management unit, change opening day to Sept. 1 for 2012- 2014 seasons. This changes bear season in the unit back to status quo. The reason for this change is the population status indicators suggest the need for a slight reduction in bear harvest; however, bear harvest declined following season reductions in 2009-2011, and it may take a couple more years for the population indicators to reflect the population response to those reductions.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-288 2012-2014 Fall black bear seasons and regulations

COMMENTS	AGENCY RESPONSE
<p>What exactly is the reason for taking an entire month off our season down here? How many landowner damage permits are being issued down here? I want to see the SCIENTIFIC reason for eliminating such a huge chunk of a season that has been there for years.</p>	<p>The Department has revised the recommendation to status quo fall bear seasons in the South Cascades. The median age of female bears is below objective; however, the number of bears harvested in the last two years has declined, and the Department is hopeful that there will be an observed response in the next couple years in the median age of harvest females.</p>
<p>Oppose the change in the fall black bear season start date from August 14 to September 1. I believe the start date should go back to August 1, like it had been for so many years prior.</p>	<p>The Department has revised the recommendation to status quo fall bear seasons in the South Cascades. The median age of female bears is below objective; however, the number of bears harvested in the last two years has declined, and the Department is hopeful that there will be an observed response in the next couple years in the median age of harvest females.</p>
<p>In reviewing the proposed hunting changes I was quite disappointed to see the NE bear hunting regulations change to the Tuesday after labor day. It is clearly crafted to eliminate the ability for someone to hunt through that weekend. Please reconsider allowing bear hunting over the labor day weekend.</p>	<p>The Department has revised the recommendation to status quo fall bear seasons in the Northeastern Washington. The median age of female bears is below objective; however, the number of bears harvested in the last two years has declined, and the Department is hopeful that there will be an observed response in the next couple years in the median age of harvest females.</p>
<p>There are plenty of bear in NE Washington. I would prefer the fall bear season remains unchanged in NE Washington beginning on Sept 1, or make it earlier like the Okanogan opening on Aug 15.</p>	<p>The Department has revised the recommendation to status quo fall bear seasons in the Northeastern Washington. The median age of female bears is below objective; however, the number of bears harvested in the last two years has declined, and the Department is hopeful that there will be an observed response in the next couple years in the median age of harvest females.</p>

COMMENTS	AGENCY RESPONSE
Leave the bear hunting as is.	The Department has revised the recommendation to status quo bear seasons.
<p>Much of the East and North portions of the Okanagan Black Bear Management Unit are similar in population, habitat, and remoteness to the North Cascades and East Cascades management units. I recommend extending the later units so that the eastern boundary becomes Highway 97A North to the Methow River in Pateros; N up the Methow River to the Chewuch River confluence; continuing N up the Chewuch River to the Pasayton Wilderness boundary; then E and N along the eastern border of the Pasayton Wilderness to the Canadian border. This would increase hunting opportunities by about 15 days. Opening the season on Aug 1st when the bears are more diurnal in locations where populations appear very healthy, resilient, infrequently harassed.</p>	<p>Thank you for your comments. Black bear population indicators are within acceptable levels in the Okanogan bear unit. As such, the Department is recommending status quo.</p>

SUMMARY OF ORAL PUBLIC INPUT
 Taken at the Fish and Wildlife Commission Meeting
 March 9, 2012

WAC 232-28-288 2012-2014 Fall black bear hunting seasons and regulations.

COMMENTS	AGENCY RESPONSE
Need to increase bear harvest in northeastern Washington. Bear population is expanding.	Thank you for your comment. The median age of harvested female bears in northeastern Washington has a declining trend over the past several years, suggesting that harvest is impacting the population. Until more information is available on the status of the living bear population, the Department is recommending status quo hunting seasons in northeastern Washington.



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 11-24-102 on 12-07-11 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
Hunting Seasons and Regulations – See Attachment A

Hearing location(s):
Moses Lake City Hall
321 S. Balsam
Moses Lake, WA 98837
(509) 764-3701

Date: March 9-10, 2012 Time: 8:30 a.m.

Date of intended adoption: April 13-14, 2012
(Note: This is NOT the effective date)

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North, Olympia WA 98501-1091
e-mail Wildthing@dfw.wa.gov
fax (360) 902-2162

By: Tuesday, February 21, 2012

Assistance for persons with disabilities:

Contact: Tami Lininger by March 5, 2012

TTY (800) 833-6388 or (360) 902-2267

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

See Attachment A

Reasons supporting proposal:

See Attachment A

Statutory authority for adoption: 77.12.047

Statute being implemented: 77.12.047

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:
CFR Part 20.21

DATE
February 1, 2012

NAME
Lori Preuss

SIGNATURE
Lori Preuss

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 01, 2012
TIME: 11:43 AM

WSR 12-04-098

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)

Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Nate Pamplin	Natural Resources Building, Olympia	(306) 902-2693
Implementation....Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2693
Enforcement.....Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.
These rules do not directly regulate small business.

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 () _____

e-mail _____

No: Please explain: Not hydraulics rules.

ATTACHMENT A

WAC 232-12-047 Unlawful methods for hunting.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to further the discussion on what should be allowed for crossbow use during modern firearm seasons.

Reasons supporting proposal: This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

WAC 232-12-054 Archery requirements - Archery special use permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to further the discussion on allowing illuminated nocks for archery equipment.

Reasons supporting proposal: This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

WAC 232-12-063 Hunting at night – regulations – penalties.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal would clarify how a hunter can hunt small game and unclassified wildlife at night and would complement existing night hunting rules.

Reasons supporting proposal: The proposal would provide greater certainty for officers in determining whether a hunter is lawfully hunting at night.

WAC 232-12-243 Public safety cougar removals.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposed WAC amendment is to identify when public safety cougar removals are warranted for the protection of public safety and private property. The proposed WAC changes remove the use of “cougar sighting events” or “nuisance behavior” to trigger a public safety cougar removal. The proposed WAC also renames the program from “cougar management removal” to “public safety cougar removal.”

Reasons supporting proposal: This proposal better aligns the WAC language and actions with the terms used in the RCW authority.

WAC 232-12-257 Use of decoys and calls.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to further the discussion on the use of electronic technology for waterfowl hunting.

Reasons supporting proposal: This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

WAC 232-12-264 Baiting of game birds – Unlawful.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to clarify the existing rule on baiting of game birds, and align the rule with current federal regulations on baiting of migratory game birds.

Reasons supporting proposal: This amendment was requested by the Washington Fish and Wildlife Commission, subsequent to a Commission presentation in September 2009, to facilitate consistent enforcement of state and federal baiting rules by the Department and U.S. Fish and Wildlife Service.

WAC 232-28-273 2012-2014 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed WAC changes amend seasons for moose, bighorn sheep, and mountain goat. Winter surveys indicate moose populations are stable. The Department recommends minor permit level adjustments based on recent survey results. The Department also recommends redefining Mt. Spokane moose hunts in GMU 124 into two moose areas, Mt. Spokane North and Mt. Spokane South, and increasing permit levels slightly in those areas to control population levels. Based on the recommendation, statewide permit levels would change from 140 to 152. The anticipated effect is stable moose populations in core areas with more control on moose population growth in areas surrounding Spokane. Hunter opportunity will increase slightly.

All bighorn sheep populations that we are currently hunting either meet or exceed total population objectives. However the number of adult rams fluctuates and we are recommending reductions in ram harvest for several units consistent with the population thresholds in the Game Management Plan (2008). Based on the recommendation, statewide permit levels would change from 41 to 31. The anticipated effect is stable bighorn sheep populations in all hunted areas. Hunter opportunity will decrease slightly.

Mountain goat populations are managed for stable-to-increasing populations in all hunted areas. Changes in permit levels are based on annual survey counts and tend to be conservative, given the sensitivity of goats to overharvesting. The Department recommends status quo delegated authority for existing hunt area permit levels, plus the addition of two hunt areas each with 1 permit. Under that authority the Department will be rotating and reducing hunting pressure in the goat units surrounding Mt. Baker, based on recent survey results. With the delegated authority, statewide permit levels would change from 15 to 17. The anticipated effect is stable mountain goat populations in all hunted areas. Hunter opportunity will increase slightly.

Reasons supporting proposal: This proposal incorporates permit level changes based on the population thresholds and criteria in the Game Management Plan (2008).

WAC 232-28-286 2013, 2014, and 2015 Spring black bear seasons and regulations.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule amendments establish the 2013, 2014, and 2015 spring black bear seasons. The purpose is to: 1) reduce tree damage by bears in western Washington; 2) disperse harvest geographically and reduce female harvest in southeastern Washington; and 3) reduce nuisance and damage activity in northeastern Washington, while maintaining long-term sustainable populations in each Black Bear Management Unit (BBMU) --except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are continued recreational harvest opportunities similar to 2009-2011 levels and long-term sustainable bear populations.

Reasons supporting proposal: Spring bear opportunity is provided to address management needs rather than solely for the purpose of providing recreational opportunity. This is due to the public's sensitivity to hunting bears while adult females are accompanied by the young of the year. The Department did not receive any requests for additional spring bear harvest to address the management needs listed above, except for additional bear harvest in northeastern Washington to address nuisance bear issues. Based on the population thresholds outlined in the Game Management Plan, hunting may be impacting the bear population in northeastern Washington; that is, the "median age of harvested females" indicator suggests bear harvest may be impacting the regional bear population. As such, any additional spring bear harvest in the area would require equivalent reductions to fall bear harvest to offset any additional population impacts. During the scoping phase of this WAC, survey data indicated

respondents preferred status quo spring seasons rather than adding harvest opportunity in the spring coupled with reductions in the fall season.

WAC 232-28-288 2012-2014 Fall black bear hunting seasons and regulations.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule establishes the 2012, 2013, and 2014 fall black bear seasons. The purpose is to provide recreational harvest opportunities for black bear, while maintaining long-term sustainable populations in each BBMU --except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are to maintain recreational harvest trends similar to 2009-2011 levels. The anticipated effect to the bear population is a long-term sustainable bear populations statewide.

Reasons supporting proposal: The parameters used as population indicators by the Department to evaluate the impacts of hunting on the bear populations are either stable or trending in the right direction. Therefore, no significant changes are recommended at this time.

WAC 232-28-296 Landowner hunting permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to expand the number of special hunting opportunities available on private lands for hunters. The recommended changes would add two additional cooperators in eastern Washington.

Reasons supporting proposal: The Fish and Wildlife Commission developed a policy to expand the private lands available for hunting to the general public several years ago. One of the programs that was authorized under their authority is the Landowner Hunting Permit program. This program encourages landowners to provide opportunity to the general hunter in exchange for customized hunting seasons and the ability to generate funding to offset the cost of providing public access.

WAC 232-28-297 2012-2013, 2013-2014, and 2014-2015 Cougar hunting seasons and regulations.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to establish the 2012-2013, 2013-2014, and 2014-2015 cougar hunting seasons. The proposal establishes hunt areas and associated harvest guidelines for the entire state (except Columbia Basin and Puget Sound Cougar Management Units). The harvest guideline represents a sustainable 12-16 percent harvest rate for each hunt area. The anticipated effects to the cougar population are to maintain a stable population and to maintain an adequate age structure for cougar populations equally distributed across the state.

Reasons supporting proposal: Recently published studies suggest that a 12-16 percent harvest rate of a local cougar population is the maximum harvest rate that still has a high probability for maintaining a stable cougar population along with stable adult male territorial behavior. Harvest rates in excess of 16 percent can result in declines in core populations of breeding females, and excessive male harvest rates result in the loss of adult male territorial behavioral, which acts as a regulatory mechanism for local male cougar numbers.

WAC 232-28-337 Deer and elk area descriptions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed language eliminates one elk area and creates three new deer areas. Deer and elk areas help direct hunters when a scale smaller than the Game Management Unit (GMU) is needed. Deer and elk areas help staff deal with wildlife damage problems.

Reasons supporting proposal: The proposed language allows the Commission to distribute hunters more favorably during quality hunts. Proposed language also helps delineate when state authorized deer

hunting is and is not allowed at a smaller scale within the GMU. Proposed language eliminates an elk area that is associated with a special permit elk hunt that is no longer being conducted.

WAC 232-28-342 2012-13, 2013-14, 2014-15 Small game seasons.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This amendment proposes calendar date adjustments to most small game seasons, expands the wild turkey season in eastern Washington, reinstates the September Canada goose season in eastern Washington, and shifts the crow season one month earlier.

Reasons supporting proposal: This proposal provides for the continuation of hunting seasons on small game species to provide recreational opportunity and depredation control.

WAC 232-28-357 2012-2014 Deer general seasons and definitions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant a change. The proposal would repeal the old deer general seasons for 2009-2011 and adopt the new deer seasons for 2012-2014.

Reasons supporting proposal: This proposal provides recreational deer hunting opportunity and protects deer from overharvest. The proposal would maintain sustainable general deer hunting season opportunities for 2012 through 2014. The proposal helps address deer damage problems and provides for deer population control when needed.

WAC 232-28-358 2012-2014 Elk general seasons and definitions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant a change. The proposal would repeal the old elk general seasons for 2009-2011 and adopt the new elk seasons for 2012-2014.

Reasons supporting proposal: This proposal provides recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable general elk hunting season opportunities for 2012 through 2014. The proposal helps address elk damage problems and provides for elk population control when needed.

WAC 232-28-359 2012 Deer special permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain special permit deer hunting opportunity that is above and beyond what is offered for general seasons. The proposal would repeal the old deer special permit seasons for 2011 and adopt the new deer special permit seasons for 2012. The proposal adjusts special permits for deer for 2012 in response to deer population changes and damage complaints. The proposal would help reduce or minimize agricultural damage and provides for population control of deer where needed.

Reasons supporting proposal: The proposal continues to provide recreational deer hunting opportunity while protecting deer from overharvest and helps minimize deer agricultural damage.

WAC 232-28-360 2012 Elk special permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain special permit elk hunting opportunity that is above and beyond what is offered for general seasons. The proposal would repeal the old elk special permit seasons for 2011

and adopt the new elk special permit seasons for 2012. The proposal adjusts special permits for elk for 2012 in response to elk population changes and damage complaints. The proposal would help reduce or minimize agricultural damage and provides for population control of elk where needed.

Reasons supporting proposal: The proposal continues to provide recreational elk hunting opportunity while protecting elk from overharvest and helps minimize elk agricultural damage.

WAC Sections Proposed for Repeal:

WAC 232-28-272	2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 Cougar hunting seasons and regulations.
WAC 232-28-287	2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.
WAC 232-28-295	Landowner hunting permits.
WAC 232-28-351	2009-2011 Deer general seasons and definitions.
WAC 232-28-352	2009-2011 Elk general seasons and definitions.
WAC 232-28-355	2011 Deer special permits.
WAC 232-28-356	2011 Elk special permits.