

9. SPRING BEAR SEASONS AND REGULATIONS – RULE ACTION

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Summary

Meeting dates: April 12, 2013

Agenda item 9: Spring bear seasons and regulations – **Rule Action**

Presenter(s): Donny Martorello, Ph.D., Carnivore Section Manager, Wildlife Program

Background summary:

Department staff will brief the Commission on the amendment of WAC 232-28-286 2013, 2014, and 2015 Spring black bear seasons and regulations.

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 is recommending two minor changes: increasing the number of permits in the North Skagit hunt area from 20 to 30 and increasing the season length by 15 days in the North Skagit and Monroe hunt areas. Both changes are at the landowner's request and are to improve the effectiveness of spring bear damage hunts at reducing tree damage.

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

Expand spring bear hunting in the North Skagit and Monroe hunt areas to address tree damage by bears.

Public involvement process used and what you learned:

Notification was mailed to approximately 600 organizations and individuals, informing them of the opportunity to provide comments on the proposed regulation. These organizations and individuals were also informed of the opportunity to provide public testimony at the March 1-2, 2013 Commission Meeting in Moses Lake.

Action requested:

Amend WAC 232-28-286 as proposed.

Draft motion language:

I move to amend WAC 232-28-286 as proposed.

Justification for Commission action:

Improve the effectiveness of spring bear damage hunts to reduce tree damage.

Communications Plan:

Washington State Register
News Release
Hunting Pamphlets
Agency Website

AMENDATORY SECTION (Amending Order 12-90, filed 5/23/12, effective 6/23/12)

WAC 232-28-286 2013, 2014, and 2015 Spring black bear seasons and regulations. It is unlawful to fail to comply with the provisions below of this section. ~~Violators may be punished. A violation of this section is punishable~~ under RCW 77.15.410, 77.15.245, and 77.15.280 ~~(1)(c)~~, 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 ^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	50	April 1 - June 15
Huckleberry	GMU 121	50	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)) 30	April 15 - ((May-31)) <u>June 15</u>
Monroe	That portion of GMU 448 that is designated as the hunt area by DNR, Campbell Group, and Longview Timber Lands.	25	April 15 - ((May-31)) <u>June 15</u>
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. 12-12-006 (Order 12-90), § 232-28-286, filed 5/23/12, effective 6/23/12; 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.

Pages 1-3

- Several technical amendments were made throughout this section to improve the clarity and accuracy of the rule.

SUMMARY OF WRITTEN PUBLIC INPUT

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

COMMENTS	AGENCY RESPONSE
I am writing to oppose the expansion of spring bear hunting season in the northern Puget Sound area. I am skeptical of the need to kill bears to protect trees. It seems that any excuse to expand hunting seasons is entertained by WDFW whether or not there is sound biological science supporting it.	Thank you for your comment. The use of hunting to address tree damage caused by bears is a socially sensitive issue. Knowing that, WDFW used a comprehensive public input process, including an EIS process for the Game Management Plan for bears and a public opinion survey to determine if it was publically supported activity.
With as many black bears we have in Washington will we ever be able to use other methods of hunting them again. Such as baiting and or using dogs.	Thank you for your comment. The use of bait and dogs to aid in the hunting of bears is prohibited by Washington State statute, not Commission rule. So, the State Legislature would need to pass a bill changing the statute.
Every year I hunt Roslyn and Cle Elum, WA, and every year increasing number of bears are spotted coming down into town and getting jumped close to town. These bears are coming down into town to eat all the apples and plums, but many times they get into garbage. My question is can Unit 335 and 336 please have a spring bear season?	Thank you for your comment. The Department will review the trend on bear damage in the area for potential inclusion in the spring bear damage hunt for the next 3-year hunting season package.
I believe spring bear season should re-open in the Capitol State Forest. I have seen an increase in the numbers in the last 5 years and the harvest hasn't even begun to slow it down. Thank you for your time.	Thank you for your comment. Department of Natural Resources owns and manages the majority of the Capitol Forest and has not requested a spring bear damage hunt to address tree damage in the Capitol Forest.



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Preproposal Statement of Inquiry was filed as WSR 12-19-007 on 9/6/12; WSR 12-20-084 on 10/3/12; and WSR 12-23-013 on 11/9/12; 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).

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

The subject of this proposed rule-making effort is the amendment of hunting seasons and regulations for 2013-2014, archery equipment regulations, and rules governing the importation of dead non-resident wildlife for the purposes of disease control. See Attachment A for a complete listing of rules.

Hearing location(s):

Moses Lake Civic Center
401 S. Balsam
Moses Lake, Washington 98837

Date: March 1-2, 2013 Time: 8:30 a.m.

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments

Address: 600 Capitol Way North
Olympia, WA 98501-1091

Fax: (360) 902-2162 by (date) February 15, 2013

Assistance for persons with disabilities: Contact

Tami Lininger by February 22, 2013

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

Date of intended adoption: on or after April 12, 2013

(Note: This is **NOT** the effective date)

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: RCWs 77.12.047; 77.12.150; and 77.12.240

Statute being implemented: RCWs 77.12.047; 77.12.150; and 77.12.240

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 23, 2013
TIME: 11:05 AM

WSR 13-03-152

DATE
January 23, 2013

NAME (type or print)
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

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

When filing the permanent rule-making order (CR-103P), the WAC sections containing rule amendments will be consolidated into one or two Order Typing Service (OTS) documents.

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..... Nate Pamplin	Natural Resources Building, Olympia	(360) 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 or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal 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: This proposal is not related to hydraulics rules.

ATTACHMENT A

WAC 232-12-021 Importation and retention of dead nonresident wildlife.

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

The states and provinces listed in this WAC have confirmed chronic wasting disease (CWD) in their wild, free-ranging populations of cervids. This proposal would add the states of Texas and Missouri to those states where additional processing of deer, elk, and moose carcasses is required before they can be brought into Washington.

Reasons supporting proposal:

The proposal reduces the risk of CWD being imported into Washington State via carcasses of animals harvested in other states. Reducing disease risk helps in sustaining deer, elk, and moose hunting opportunities in Washington.

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 232-28-248 Special closures and firearm restriction areas.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is part of the effort to streamline, reorganize, and update rules in the WAC Overhaul Project currently underway. Anticipated effects are minimal; this project involves merely rewording and clarifying a rule already in existence.

Reasons supporting proposal: The department needs these changes to increase efficiency, functionality, and clarity of the rules within its Administrative Code.

WAC 232-28-273 2012-2014 Moose seasons and permit quotas.

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

This amendment clarifies that the exemption from the once-in-a-lifetime moose restriction is also applicable if the hunter applies in the future for a hunt in the permit categories of antlerless moose: raffle, auction, or master hunter. Additionally, this amendment reduces the number of master-hunter moose permits.

Reasons supporting proposal:

The proposed change in language reduces ambiguity regarding who may apply for a moose permit. The reduction in master hunter moose permits reflects the expected number of hunters needed in 2013 and beyond, based on the experience of recent years.

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 purpose for amending the 2013-15 spring black bear hunting seasons is to expand opportunity in the north Puget Sound. These spring seasons are mainly established to address damage caused by bears to commercially grown trees. The hunt utilizes recreational hunters to harvest black bears in areas where

chronic tree damage and other property damage has been documented and allows the department to disperse harvest geographically and target male bears. This strategy helps ensure long-term sustainability in the black bear population and provides recreational opportunity for hunters.

Reasons supporting proposal: Spring bear hunting helps address commercial tree damage issues and provides recreational hunting opportunity. In the past, most black bear damage was addressed using depredation permits where the landowner would contract with a hunter using dogs to kill multiple bears near areas with tree damage. Depredation permit hunters were taking an increasing number of bears each year, and over 150 bears were being killed annually. The spring black bear season allows recreational hunters to better target the areas receiving damage and allows hunters rather than contractors to harvest bears.

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 and to maintain the number of cooperating landowners.

Reasons supporting proposal: Several years ago, the Fish and Wildlife Commission developed a policy to expand the private lands available to the general public for hunting. One of the programs that was authorized 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 232-28-334 Game management units (GMUs) boundary descriptions -- Region four.

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

This proposal changes the management area designation of the Puget Sound Islands from Deer Areas to Game Management Units (GMUs). The proposed amendments will allow the Department to better track harvest removals specific to the islands.

Reasons supporting proposal:

This proposal will allow the Department to better track harvest removals specific to the Puget Sound Islands rather than having those removals lumped with mainland GMUs.

WAC 232-28-336 Game management units (GMUs) boundary descriptions -- Region six.

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

The purpose of the proposal is to designate Anderson Island as a Game Management Unit rather than a Deer Area. The proposed language will allow the Department to better track harvest removals specific to the island.

Reasons supporting proposal:

The proposed changes will allow the Department to better track harvest removals specific to the Anderson Island rather than having those removals lumped with a mainland GMU.

WAC 232-28-337 Elk area descriptions.

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

The purpose of the proposal is to separate Elk Area descriptions from Deer Area descriptions. The proposal also removes one Elk Area that is no longer needed and adjusts the boundary of two other Elk

Areas to make them more effective in dealing with wildlife conflict. Additional language modifications have been made to improve clarity.

Reasons supporting proposal:

Elk Areas help direct hunters at a scale smaller than the GMU when needed. Elk Areas also help staff address local wildlife conflict problems. Some of the language modifications in this proposed amendment are part of the effort to streamline, reorganize, and update rules in the WAC Overhaul Project currently underway.

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

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

The purpose of this proposal is to add GMU 145 to the late fall turkey season. This GMU was inadvertently omitted during the three-year season-setting process. This proposal also modifies bag-limit language pertaining to fall turkey permit seasons. The change to the bag-limit language clarifies that hunters who kill a turkey during the permit seasons may still participate in the other fall seasons open to all hunters.

References to the western Washington Dungeness pheasant release site are also removed under the western Washington pheasant seasons.

Reasons supporting proposal:

GMU 145 is surrounded by other GMUs open during the late fall season. The intent was to include this unit in the three-year proposal. The department supports providing opportunity in this unit.

Turkey populations are healthy or increasing in areas where fall general seasons are in place, and the department is encouraging additional harvest and recreational opportunity in these areas. Allowing harvest during the general seasons by those who draw permits poses no concern for the population.

Clallam County owns the Dungeness release site and has decided to no longer allow use of the area for upland bird hunting. For this reason, removing references to this site is appropriate.

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. The purpose is also to balance the hunting opportunity between user groups; increase opportunity when deer populations allow; and reduce opportunity when declining deer numbers warrant a change.

Reasons supporting proposal: The proposed amendment provides recreational deer hunting opportunity and protects deer from overharvest. The amendment would maintain sustainable general deer hunting season opportunities for 2013; address deer damage problems; and provide 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. The purpose is also to balance the hunting opportunity between user groups; increase opportunity when elk populations allow; and reduce opportunity when declining elk numbers warrant a change.

Reasons supporting proposal: This proposal provides recreational elk hunting opportunity and protects elk from overharvest. The proposed amendment would maintain sustainable general elk hunting season

opportunities for 2013; address elk damage problems; and provide for elk population control when needed.

WAC 232-28-359 2013 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. The purpose is also to balance the hunting opportunity between user groups; increase opportunity when deer populations allow; and reduce opportunity when declining deer numbers warrant a change.

Reasons supporting proposal: This proposal provides recreational deer hunting opportunity and protects deer from overharvest. The proposed amendment would maintain sustainable deer special-permit hunting season opportunities for 2013; address deer damage problems; and provide for deer population control when needed.

WAC 232-28-360 2013 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. The purpose is also to balance the hunting opportunity between user groups; increase opportunity when elk populations allow; and reduce opportunity when declining elk numbers warrant a change.

Reasons supporting proposal: This proposal provides recreational elk hunting opportunity and protects elk from overharvest. The proposed amendment would maintain sustainable elk special-permit hunting season opportunities for 2013; address elk damage problems; and provide for elk population control when needed.

WAC 232-28-622 Big horn sheep seasons and permit quotas.

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

Hunters may apply for a bighorn sheep permit even if they've previously harvested a bighorn sheep in Washington if the earlier harvest was a bighorn sheep killed under a ewe-only hunt permit, a raffle permit, or an auction permit. Language in this amendment clarifies whether the exemption from the once-in-a-lifetime bighorn sheep restriction is also applicable if the hunter applies in future for a hunt in these categories.

Rocky Mountain bighorn sheep populations in the Blue Mountains area of south-eastern Washington have been reduced in past years due to the lingering effects of pneumonia outbreaks. Pneumonia was detected in the Asotin herd in 2012, and biologists expect this herd to decline over the next few years, although a few older rams remain in this herd.

Reasons supporting proposal:

The change in language reduces ambiguity regarding who may apply for a bighorn sheep permit. The reduction in hunting permits for the Blue Mountain area will reduce pressure on a herd that is experiencing a disease problem, and increase the chances for a high quality ram taken from this herd by the winner of the Rocky Mountain bighorn sheep raffle.

WAC 232-28-623 2012-2014 Mountain goat seasons and permit quotas.

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

Language in this amendment clarifies whether the exemption from the once-in-a-lifetime mountain goat restriction is also applicable if the hunter applies in future for a hunt in these categories.

The proposed amendment also clarifies the names and descriptions of mountain goat hunt areas in Region 4, around Mt. Baker, and establishes legal descriptions of open mountain goat hunt areas.

Reasons supporting proposal:

Changes in language reduce ambiguity regarding who may apply for a bighorn sheep permit; remove inconsistency between the WAC, pamphlet, and instructional letters sent to permit holders; and clarify hunting unit boundaries for mountain goats in the Mt. Baker area.

WAC 232-28-624 Deer area descriptions.

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

The purpose of the proposal is to separate Deer Area descriptions from Elk Area descriptions to improve the clarity of these rules. The proposal also removes the Puget Sound Islands that were previously described as Deer Areas. The Department is proposing that those islands be described as Game Management Units (GMUs) in the future. Additional language modifications have been made to improve clarity.

Reasons supporting proposal:

Deer Areas help direct hunters at a scale smaller than the GMU and help staff address wildlife conflict problems. Some of the language modifications in this proposed amendment are part of the effort to streamline, reorganize, and update rules in the WAC Overhaul Project currently underway.