

Fall and Spring Black Bear Seasons and Regulations

232-28-286 and 232-28-288

TABLE OF CONTENTS

	<u>Page</u>
Summary Sheet	1
WAC 232-28-286.....	3
WAC 232-28-288.....	6
Recommended Adjustments	9
CR102	10

Summary

Meeting dates:	April 9-10, 2015
Agenda item:	2015-2017 Fall and 2016, 2017, and 2018 Spring black bear seasons and regulations – Rule Briefing and Public Hearing
Presenter(s):	Donny Martorello, Ph.D., Carnivore Section Manager, Wildlife Program

Background summary:

Department staff will brief the Commission on proposed amendments to WAC 232-28-288 2015-2017 Fall black bear hunting seasons and regulations and WAC 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations.

A) 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 pages 103-104 in 2015-2021 Game Management Plan). Those data suggest bear populations are stable in most Black Bear Management Units (BBMUs) and are slightly declining in others. 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 bear season, the Department is recommending status quo bear seasons.

B) 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. 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 Department is recommending increasing permit levels from 195 to 390 in northeastern Washington. The anticipated increase in harvest is about 30-40 bears.

The Department has had an ongoing issue with human-bear conflict in southwestern Washington, along the Long Beach peninsula. The conflict likely stems from a relatively high bear density given the small land area, long-standing issues with feeding bears and habituation, and relatively low bear harvest; Long Beach is also a firearm restriction area. To address the issue, the Department has increased education and outreach in the area, has addressed the bear feeding issue, and has removed several habituated bears from the area. To complement those efforts, the department is recommending adding two new hunt areas (with 20 permits each) near Long Beach (GMUs 681 and 684). The purpose of the hunts is to reduce the bear population so it's in balance with the unique environmental factors in the area. The anticipated harvest is about 6-8 bears annually.

The Department is also recommending removing the hunt on Weyerhaeuser Company lands in GMU 501, at the landowner's request.

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

- A) Status quo fall black bear seasons
 - B) Expand spring bear hunting in northeastern and southwestern Washington to address human-bear conflict issues.
-

Public involvement process used and what you learned:

The Department conducted an extensive public involvement process to develop the 2015-2017 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 2015-2017 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. Four 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:

Amend WAC 232-28-286 and 232-28-288 as proposed.

Draft motion language:

I move to amend WAC 232-28-286 and 232-28-288 as proposed.

Justification for Commission action:

To provide opportunities to hunters, consistent with achieving management objectives.

Communications Plan:

News Release
Hunting Pamphlets
Web site

AMENDATORY SECTION (Amending WSR 13-11-078, filed 5/16/13, effective 6/16/13)

WAC 232-28-286 ((2013, 2014, and 2015)) 2016, 2017, and 2018

Spring black bear seasons and regulations. 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, ((and)) 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 ^a	Season Dates ^b
Sherman	GMU 101	((25)) <u>50</u>	April 1 - June 15
Kelly Hill	GMU 105	((25)) <u>50</u>	April 1 - June 15
Douglas	GMU 108	((20)) <u>40</u>	April 1 - June 15
Aladdin	GMU 111	((25)) <u>50</u>	April 1 - June 15
49 Degrees North	GMU 117	((50)) <u>100</u>	April 1 - June 15
Huckleberry	GMU 121	((50)) <u>100</u>	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
<u>Bear River^b</u>	<u>GMU 681</u>	<u>20</u>	<u>April 15 - May 31</u>
<u>Long Beach^{bd}</u>	<u>GMU 684</u>	<u>20</u>	<u>April 15 - May 31</u>
North Skagit ^e	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, Longview Timber Lands, and Grandy Lake Timber company.	30	April 15 - June 15

Hunt Name	Hunt Area	Permits ^a	Season Dates ^b
Monroe ^c	That portion of GMU 448 that is designated as the hunt area by DNR, Campbell Group, and Longview Timber Lands.	25	April 15 - June 15
Copalis ^{(a)c}	That portion of GMU 642 that is designated as the hunt area by Rayonier Timber Company.	100	April 15 - June 15
Kapowsin ^{(a)c}	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.)) Permits are valid for the license year they are issued.			
^b ((Permits are valid for the license year they are issued.)) <u>Private lands; access is extremely limited; firearm restriction area. If you cannot secure access to private lands, do not apply for these hunts. Mostly private lands; access is extremely limited. Please secure access prior to applying for these hunts.</u>			
^c Spring black bear hunting seasons to reduce black bear damage to trees.			
^a <u>Firearm restriction area.</u>			

Bag Limit: One black bear per black bear special permit season.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to 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, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-28-286, filed 5/16/13, effective 6/16/13.

Statutory Authority: RCW 77.12.047. WSR 12-12-006 (Order 12-90), § 232-28-286, filed 5/23/12, effective 6/23/12; WSR 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. WSR 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. WSR 09-09-082 (Order 09-52), § 232-28-286, filed 4/15/09, effective 6/16/09; WSR 08-01-052 (Order 07-292), § 232-28-286, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 07-01-049 (Order 06-300), § 232-28-286, filed 12/14/06, effective 1/14/07; WSR 06-11-030 (Order 06-90), § 232-28-286, filed 5/8/06, effective 6/16/06.]

AMENDATORY SECTION (Amending WSR 12-12-006, filed 5/23/12, effective 6/23/12)

WAC 232-28-288 ((2012-2014)) 2015-2017 Fall black bear hunting seasons and regulations. It is unlawful to fail to comply with the provisions below. ((Violators may be punished)) A violation of this section is punishable under RCW 77.15.410, 77.15.245, ((and)) or 77.15.280 (1)(c).

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15, ((2012)) <u>2015</u> Aug. 1 - Nov. 15, ((2013)) <u>2016</u> Aug. 1 - Nov. 15, ((2014)) <u>2017</u>	GMUs 418-450, 460
South Cascades	Aug. 15 - Nov. 15, ((2012)) <u>2015</u> Aug. 15 - Nov. 15, ((2013)) <u>2016</u> Aug. 15 - Nov. 15, ((2014)) <u>2017</u>	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654

Black Bear Management Unit	Season	Hunt Area
Okanogan	Aug. 15 - Nov. 15, (2012) <u>2015</u> Aug. 15 - Nov. 15, (2013) <u>2016</u> Aug. 15 - Nov. 15, (2014) <u>2017</u>	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15, (2012) <u>2015</u> Aug. 1 - Nov. 15, (2013) <u>2016</u> Aug. 1 - Nov. 15, (2014) <u>2017</u>	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	Sept. 1 - Nov. 15, (2012) <u>2015</u> Sept. 1 - Nov. 15, (2013) <u>2016</u> Sept. 1 - Nov. 15, (2014) <u>2017</u>	GMUs 101-121, 204
Northeastern B	Aug. 15 - Nov. 15, (2012) <u>2015</u> Aug. 15 - Nov. 15, (2013) <u>2016</u> Aug. 15 - Nov. 15, (2014) <u>2017</u>	GMUs 124-130
Blue Mountains	Sept. 1 - Nov. 15, (2012) <u>2015</u> Sept. 1 - Nov. 15, (2013) <u>2016</u> Sept. 1 - Nov. 15, (2014) <u>2017</u>	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15, (2012) <u>2015</u> Aug. 1 - Nov. 15, (2013) <u>2016</u> Aug. 1 - Nov. 15, (2014) <u>2017</u>	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	Sept. 1 - Nov. 15, (2012) <u>2015</u> Sept. 1 - Nov. 15, (2013) <u>2016</u> Sept. 1 - Nov. 15, (2014) <u>2017</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. 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 following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

Page 3

- Add superscript “d” to Hunt Name “Long Beach”. The reason for the change is to clarify that the Long Beach area is a firearm restriction area.

Page 4

- Change superscript “b” from “Private lands; access is extremely limited; firearm restriction area. If you cannot secure access to private lands, do not apply for these hunts.” to “Mostly private lands; access is extremely limited. Please secure access prior to applying for these hunts.” The reason for this change is to clarify that most of the hunt area is private lands, and because only GMU 684 (Long Beach) is a firearm restriction area.
- Add superscript “d” to bottom of table, reading “^d Firearm restriction area.” The reason for this change is because only GMU 684 (Long Beach) is a firearm restriction area.



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 14-24-118 filed 12/3/14; 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:

232-28-288 2015-2017 Fall black bear hunting seasons and regulations
 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations
 232-12-297 2015-2016, 2016-2017, and 2017-2018 Cougar hunting seasons and regulations

Hearing location(s):

Civic Center
 411 South Balsam Street
 Moses Lake, WA 98837

Date: March 20-21, 2015 Time: 8:00 AM

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
 Address: 600 Capitol Way North,
 Olympia, WA 98501
 e-mail wildthing@dfw.wa.gov
 fax (360) 902-2162 by (date) 2/24/15

Assistance for persons with disabilities: Contact

Tami Lininger by March 1, 2015

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

Date of intended adoption: On or after April 9, 2015

(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: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Statute being implemented: RCW 77.04.012, 77.04.055, 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: February 02, 2015

TIME: 1:40 PM

WSR 15-04-085

DATE

February 2, 2015

NAME (type or print)

Joanna Eide

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 two or three 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 Resource Building	(360) 902-2515
Implementation....Nate Pamplin	Natural Resource Building	(360) 902-2515
Enforcement..... Steven Crown	Natural Resource Building	(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 apply to recreational hunting and do not affect 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 does not involve hydraulics.

WAC 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations
WAC 232-28-288 2015-2017 Fall black bear hunting seasons and regulations
WAC 232-28-297 2015-2016, 2016-2017, and 2017-2018 Cougar hunting seasons and regulations

232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule establishes the 2016, 2017, and 2018 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 and southwestern 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 2013-2015 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 and southwestern Washington to address local bear issues.

232-28-288 2015-2017 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 2015, 2016, and 2017 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 2012-2014 levels. The anticipated effect to the bear population is a long-term sustainable bear population statewide.

Reasons supporting proposal: The parameters used as population indicators by the Department to evaluate the impacts of hunting on the bear populations are with the acceptable range outlines in the Game Management Plan. Therefore, no significant changes are recommended at this time.

232-12-297 2015-2016, 2016-2017, and 2017-2018 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 2015-2016, 2016-2017, and 2017-2018 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.