

WSR 22-04-107
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 1, 2022, 12:55 p.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 220-415-080
Spring black bear special permits.

Hearing Location(s): On March 11, 2022, at 8:00 a.m., webinar.
This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at <http://wdfw.wa.gov/about/commission/meetings> or contact the commission office at 360-902-2267.

Date of Intended Adoption: March 18, 2022.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email 2022SpringBearPetition102@PublicInput.com, voicemail public comment 855-925-2801 project code 6453, <https://publicinput.com/2022SpringBearPetition102>, by March 12, 2022.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email Title6@dfw.wa.gov, by March 12, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendments to WAC 220-415-080, currently titled "2021 Spring black bear special permits," is to carry forward a long-standing spring recreational hunting opportunity of black bears on an annual basis. If the proposed amendments are adopted, the Washington department of fish and wildlife (WDFW) would issue a limited number of spring bear special hunting permits each year for geographically focused spring hunting of black bear, that can in some instances help address other management issues such as human-bear conflict, commercial timber damage or concerns for ungulate species neonate recruitment. WDFW is proposing to remove the year from the title of WAC 220-415-080, and to add a stipulation prohibiting harvest of female black bears with offspring and prohibiting the harvest of offspring. Offspring would be defined as less than one year old or less than 50 pounds. The proposed amendments also include minor modifications to harvest and inspection procedures. The anticipated effect of the proposed amendments, if approved, would be a limited, annual hunting opportunity for approximately 664 hunters who receive permits, and WDFW anticipates approximately 145 black bears would be harvested annually through this limited permit hunting opportunity.

Reasons Supporting Proposal: On January 21, the fish and wildlife commission voted in response to a rule-making petition to initiate rule making to amend WAC 220-415-080 with a proposal to remove from the title the year "2021." A central part of WDFW's legislative mandate is to provide sustainable recreational hunting opportunity. Spring bear special permit hunts are one of a very limited number of spring hunting opportunities and there is very strong interest from hunters for the limited spring bear hunting permits. Washington state black bear population is robust and an annual spring hunt with approximately 664 permits is sustainable. WDFW is proposing a reduction in permit numbers for hunt unit 684 (from 10 to six compared to 2021) in order to reduce crowding on the limited accessible areas of mostly

private land. Removing the year from the title would minimize the need for annual rule making unless hunt areas or permit levels need adjustment. The addition of a prohibition on the harvest of offspring and females with offspring would minimize the potential of orphaning cubs. The edits to the language related to animal inspection would clarify to hunters the components necessary for harvest check and inspection. The proposed revisions clearly state that the pelt and head must be unfrozen and that evidence of sex and the head must be attached to the pelt. Further, the proposed edits would assist WDFW staff's implementation of the rule by adding a requirement that a successful hunter schedule an inspection with WDFW staff within 72 hours of the harvest.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.055, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; Enforcement: Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not require a cost-benefit analysis under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule is for recreational hunting opportunity and does not affect small businesses.

February 1, 2022
Annie Szvetcz
Rules Coordinator

OTS-3269.2

AMENDATORY SECTION (Amending WSR 21-02-015, filed 12/28/20, effective 1/28/21)

WAC 220-415-080 ((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)) <u>May 1</u> - June 15
Kelly Hill	GMU 105 Note: Mandatory bear identification test required.	50	((April 15)) <u>May 1</u> - June 15
Douglas	GMU 108 Note: Mandatory bear identification test required.	40	((April 15)) <u>May 1</u> - June 15
Aladdin	GMU 111 Note: Mandatory bear identification test required.	50	((April 15)) <u>May 1</u> - June 15
49 Degrees North	GMU 117 Note: Mandatory bear identification test required.	100	((April 15)) <u>May 1</u> - June 15
Huckleberry	GMU 121	100	((April 15)) <u>May 1</u> - June 15
Blue Creek	GMU 154	18	((April 15)) <u>May 1</u> - June 15
Dayton	GMU 162	18	((April 15)) <u>May 1</u> - June 15
Tucannon	GMU 166	5	((April 15)) <u>May 1</u> - June 15
Wenaha	GMU 169	60	((April 15)) <u>May 1</u> - June 15
Mt. View	GMU 172	24	((April 15)) <u>May 1</u> - June 15
Lick Creek	GMU 175	18	((April 15)) <u>May 1</u> - June 15
Peola	GMU 178	5	((April 15)) <u>May 1</u> - June 15
Couse	GMU 181	5	((April 15)) <u>May 1</u> - June 15
Grande Ronde	GMU 186	5	((April 15)) <u>May 1</u> - June 15
Kitsap	GMU 627	5	((April 15)) <u>May 1</u> - June 15
Mason	GMU 633	5	((April 15)) <u>May 1</u> - June 15
Bear River	GMU 681	20	((April 15)) <u>May 1</u> - June 15
Long Beach	GMU 684	((40)) <u>6</u>	((April 15)) <u>May 1</u> - June 15
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber company. Note: Mandatory bear identification test required.	30	((April 15)) <u>May 1</u> - June 15
Copalis	GMU 642, 648, and 638 (excluding U.S. Forest Service lands).	50	((April 15)) <u>May 1</u> - 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.

Female black bear with offspring: It is unlawful to harvest/take a female black bear accompanied by one or more offspring or harvest/take offspring. Offspring are defined as less than one year old or less than 50 pounds.

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)~~) and Inspection (collection of biological samples): All successful bear hunters must validate (notch) their bear tag consistent with WAC 220-413-020(~~(,)~~). All successful bear hunters must 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)~~) and schedule their inspection. The unfrozen raw pelt, with evidence of sex and skull attached (~~(, and the first premolar)~~) must be presented to an authorized department employee for inspection within (~~(5)~~) five days of notification of kill. All permit hunters must comply with harvest reporting and (~~(submission of biological samples)~~) inspection as described above. Failure to comply (~~(with the submission of biological samples)~~) is a misdemeanor pursuant to RCW 77.15.280.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.020. WSR 21-02-015 (Order 20-270), § 220-415-080, filed 12/28/20, effective 1/28/21. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 19-22-061 (Order 19-275), § 220-415-080, filed 11/5/19, effective 12/6/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-080, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, and 77.32.070. WSR 17-19-088 (Order 17-253), § 220-415-080, filed 9/19/17, effective 10/20/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-415-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-286, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-066 (Order 15-99), § 232-28-286, filed 5/1/15, effective 6/1/15. 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.]