

15. COUGAR MANAGEMENT – RULE ACTION

TABLE OF CONTENTS

	<u>Page</u>
Decision Page.....	<i>i</i>
WAC 232-28-285 2008-2009 Pilot cougar hunting seasons with the aid of dogs.....	1
Supplemental Recommended Adjustments to WAC 232-28-285	9
Supplemental Written Public Input.....	10
WAC 232-28-272 2006-2007, 2007-2008, 2008-2009 Black bear and cougar hunting seasons and regulations.....	11
Supplemental Recommended Adjustments to WAC 232-28-272	16
Supplemental Written Public Input.....	17
WAC 232-12-243 Public safety cougar removals	18
CR 102	25

“GREEN SHEET”

Meeting: August 8-9, 2008

Agenda Item 15: Cougar Management – **Rule Action**

Prepared By: Donny Martorello

Presented By: Donny Martorello, Ph.D., Carnivore, Furbearer & Special Species Manager, Wildlife Program

Background:

Substitute Senate Bill 6118 and Engrossed Substitute House Bill (ESHB) 1765 allowed the use of dogs to pursue and kill cougar under a pilot program from 2004 to 2007 in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties. During the last legislative session, ESHB 2438 was signed into law extending the authority to the same five counties for an additional three years. ESHB 2438 also provides a process for other Washington counties to request inclusion in the pilot program. The purpose of ESHB 2438 is to address public safety and the protection of private property (e.g., pets and livestock), as well as to allow the Department to assess cougar populations.

The Department is recommending a status quo season for the 2008-2009 pilot cougar hunt with the following exceptions:

WAC 232-28-285 2008-2009 Pilot cougar hunting seasons with the aid of dogs

- Replace the requirement that hunters must own dogs capable of treeing a cougar to be eligible for a permit with a requirement that prohibits payment for using dog handler services.
- Replace the logbook requirement with mandatory reporting using the toll free cougar hotline.
- Reduce the kill quotas by 40% to stabilize the cougar population at the current lower level and add kill quotas for new counties that participate in the pilot program.
- Change the bag limit from 2 to 1 cougar.
- Routine calendar date changes for the five counties continuing the pilot program.

WAC 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations

Close the general cougar season on November 30, 2008 rather than March 15, 2009 for new counties that participate in the pilot cougar hunt with the aid of dogs.

WAC 232-12-243 Public safety cougar removals

Discontinue the use of public safety cougar removals in new counties that participate in a pilot cougar hunt with the aid of dogs.

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

Implement ESHB 2438.

Public involvement process used and what you learned:

The County Commissioners for the five county area have met with local constituents before meeting on several occasions with Department staff. Informal discussions have been held between stakeholders and Department staff as well. Public input from County Commissioners involved in the pilot hunt was collected at the May 2-3, 2008 Fish and Wildlife Commission meeting in Colville. In addition, the Department briefed all County Commissioners in the state and collected comment at the Washington State County Association Joint District meeting on June 19, 2008. Additional comments are expected in counties interested in participating in the pilot cougar hunt.

These proposed recommendations were sent to approximately 550 organizations and individuals in June for their review and consideration. These organizations and individuals were also informed of the opportunity to provide public testimony at the July 18, 2008 Commission meeting in Olympia and Spokane.

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

Amend WACs 232-28-285 2008-2009 Pilot cougar hunting seasons with the aid of dogs, 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations, and 232-12-243 Public safety cougar removals, as presented.

Draft motion language:

I move to amend WACs 232-28-285, 232-28-272, 232-12-243 as proposed.

Justification for Commission action:

Enhance public safety and provide a more effective cougar management program.

AMENDATORY SECTION (Amending Order 07-273, filed 11/6/07, effective 12/7/07)

WAC 232-28-285 ((2007-2008)) 2008-2009 Pilot cougar hunting seasons with the aid of dogs. As used in this section and in the context of pilot cougar hunting seasons, the following definitions apply:

"Accompany" means the dog handler and permit hunter must be in the physical presence of each other at the time dogs are released from a leash or unrestrained or starting a cougar track.

"Pursue" or "pursuit" means dogs are:

- ✎ Not on a leash or restrained; or
- ✎ Starting a cougar track; or
- ✎ In the act of tracking a cougar; or
- ✎ At a treed cougar.

Transporting dogs in a motorized vehicle or walking a dog on a leash is not pursuit.

"Dog ((owner)) handler" means a person that owns ((and)) or hunts with dogs that are capable of detecting, tracking and treeing a cougar.

"Quota" means the targeted harvest goal. The actual harvest level may exceed the quota.

"Kill permit" allows a hunter to pursue or kill cougar.

"Pursuit permit" allows a hunter to pursue cougar.

(1) The pilot cougar-hunting season will allow use of dogs

to hunt cougar. The hunts will consist of pursuit-or-kill seasons and pursuit-only seasons, and are allowed only in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties.

(2) Pursuit-or-kill seasons:

Cougar may be pursued or killed with the aid of dogs from December 1, ((2007)) 2008, until the female zone quota has been killed, the total zone quota has been killed, or March 31, ((2008)) 2009, whichever occurs first; EXCEPT GMUs 101 and 204 where cougar may be pursued or killed from January 1, ((2008)) 2009, until the female zone quota has been killed, the total zone quota has been killed, or March 31, ((2008)) 2009, whichever occurs first.

(3) Pursuit-only seasons:

(a) If a zone quota is killed prior to March 31, ((2008)) 2009, cougar may be pursued with dogs in all or portions of that zone until March 31, ((2008)) 2009. Hunters may only pursue cougars in designated pursuit only areas identified on their kill or pursuit-only permit. Hunters may not kill cougar during pursuit-only seasons.

(b) Hunters selected for the pursuit-or-kill season (accompanied by up to three of their identified handlers) may participate in a pursuit-only season. Permit hunters that harvest a cougar under a kill permit may continue to pursue cougars until March 31. If a zone quota is killed, the department ((will)) may also issue pursuit-only permit to hunters drawn at random from the unselected pool of applicants. The director will identify the number of pursuit-only hunters selected.

(4) Hunt areas and kill quotas:

Cougar seasons will be based on a quota system, where permit hunters using dogs may hunt and kill cougar until the allotted numbers of cougar have been killed from each hunt zone or March 31, ((2008)) 2009, whichever occurs first.

(a) Kill quotas start September 1 and will include all cougar killed during seasons with and without the aid of dogs, including cougar seasons under this section, cougar seasons without the aid of dogs authorized under WAC 232-28-272, depredation permits, landowner kill permits, and WDFW depredation authority.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority even if these kills result in exceeding a zone quota.

CMU	Hunt Choice	Hunt Zone	Area Description	QUOTA	
				Total	Female
East Cascades North	9001	Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County	((28)) 17	((11)) 7
	9002	Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County	((10)) 6	((4)) 2
Northeastern	9003	Ferry-Okanogan	GMUs 101, 204	((26)) 16	((10)) 6
	9004	Stevens-Pend Oreille	Those portions of GMUs 105, 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties	((38)) 23	((15)) 9
East Cascades South	9005	Klickitat	Those portions of GMUs 382, 388, 578 within Klickitat County	6	2

(5) Quota hotline:

Permit hunters participating in a pursuit-or-kill season must call the toll free cougar quota hotline within twenty-four hours prior to each day hunting cougar to determine if the zone quota has been killed and the zone is closed. Hunters who hunt

more than one consecutive day must call the quota hotline once daily to determine if the zone quota is killed. Hunters who harvest a cougar with the aid of dogs must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar, with proof of sex naturally attached, must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull in such a manner that teeth and biological samples can be extracted to an authorized department employee at the time of sealing.

(6) Kill or pursuit-only permit eligibility:

~~(a) ((To apply for a kill or pursuit-only permit under this section, individuals must sign an affidavit provided by the department, certifying under penalty of false swearing under RCW 9A.72.040 that they are a dog owner. The affidavit must be mailed to WDFW by the date and time identified by the director. Individuals not registered as a dog owner will not be issued a permit.~~

~~(b))~~ To apply for a kill or pursuit-only permit under this section, individuals must purchase a cougar permit application and submit the application in compliance with WAC 232-28-291 by a date and time identified by the director.

~~((c))~~ (b) To be eligible for a permit, the participant must be a Washington resident who at the time of application for a permit possesses a valid big game license with cougar as a species option. The permit holder must use dogs while

participating in a cougar hunt under this section.

~~((d))~~ (c) A permit will not be issued to any person who has been convicted of unlawful use of dogs under RCW 77.15.245 within the five-year period prior to December 1, 2004. Any person issued a permit and who is subsequently convicted of any wildlife offense while participating in a pursuit-or-kill or pursuit-only season, or who violates any condition of the permit, will have the permit revoked and will be ineligible to participate in the remainder of the pilot program.

(7) Permit issuance procedure:

(a) The number of kill permits for a pursuit-or-kill season with the aid of dogs may be established by the director, but will not exceed two times the total cougar quota for each hunt zone.

(b) The department will issue kill or pursuit-only permits to the persons whose applications are drawn at random. Individuals selected will be notified by telephone or mail. ~~((Individuals selected must return the signed affidavit to the department's wildlife program in Olympia within fifteen days of being notified. Failure to return the completed affidavit to the department will result in forfeit of the permit.))~~ Kill and pursuit-only permits may not be sold or reassigned.

(c) If a female zone quota or total zone quota is not killed in a hunt zone by January 15 (or sooner as identified by the director), then the department ~~((will))~~ may issue kill permits to additional hunters. Hunters will be drawn at random from the unselected pool of applicants and must be a resident of one of the ~~((five))~~ participating counties:

(8) Qualifications for participation and requirements:

In addition to the provisions applicable to all cougar hunters:

(a) Successful applicants must complete a training program prior to participating in a pursuit-or-kill season or pursuit-only season with the aid of dogs.

(b) Participants must have their permit issued by the department in their possession while hunting cougar.

(c) Individuals selected for a kill permit may kill and possess ~~((two))~~ one cougar per permit and only the permittee may kill the cougar(s). ~~((However, a kill permit holder may not kill a second cougar in a hunt zone until January 15 (or sooner as identified by the director).))~~

(d) Individuals selected for a cougar kill or pursuit-only permit may use dog handlers. However, no more than three handlers may accompany the permittee while hunting or pursuing cougar. Dog handlers may not pursue cougar when the permit hunter is not present at the time the dogs are released from a leash or unrestrained. Dog handlers must have a dog handler identification card, issued by the department, in their possession while participating in a pursuit-or-kill season or pursuit-only season. Dog handlers may not receive payment for their services.

(e) Dog handlers must be a Washington resident and possess a valid hunting license.

(f) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(g) Participants must have a vehicle placard issued by the

department. The vehicle placard must be placed in the permittee's and dog handler's vehicles and be visible from outside the vehicles at all times while hunting or pursuing cougar.

(h) Kill and pursuit-only permit hunters are required to ~~((maintain and return to the department a pilot cougar hunting season logbook. At the end of each day hunting cougar, the permit hunters must record their hunting activities, including that of their dog handlers, in their logbook. If requested by department staff, permit hunters must provide the logbook for inspection. Logbooks must be mailed to the department at WDFW-Pilot Cougar Hunt, 600 Capitol Way North, Olympia, WA 98501-1091))~~ report their hunting activity, whether they harvest a cougar or not, using the toll free cougar quota hotline. Unsuccessful hunters must report their hunting activity by April 10, ((2008)) 2009. A violation of this requirement under this subsection is punishable as an infraction under RCW 77.15.160.

(9) The permit belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of

action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047. 07-22-102 (Order 07-273), § 232-28-285, filed 11/6/07, effective 12/7/07; 06-17-095 (Order 06-196), § 232-28-285, filed 8/15/06, effective 9/15/06; 05-17-098 (Order 05-174), § 232-28-285, filed 8/15/05, effective 9/15/05; 04-21-036 (Order 04-284), § 232-28-285, filed 10/14/04, effective 11/14/04.]

WAC 232-28-285 2008-2009 Pilot cougar hunting seasons with the aid of dogs

SUPPLEMENTAL RECOMMENDED ADJUSTMENTS

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

Page 3

Under hunt area table

- In the east Cascades South CMU row, change the total quota from “TBD” to “6”.
- In the east Cascades South CMU row, change the female quota from “TBD” to “2”.

The purpose of these changes is to establish the kill quota levels for the pilot cougar hunt in Klickitat County.

SUPPLEMENTAL SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-285 2008-2009 Pilot cougar hunting seasons with the aid of dogs

COMMENTS	AGENCY RESPONSE
No mention is made about Klickitat County or any other Washington county that meets the opt-in requirements of ESHB 2438. Should the opt-in requirements be listed?	Klickitat County did meet the requirements for inclusion in the pilot cougar program. From a WAC language perspective, Klickitat county is hunt area East Cascades South. The opt-in requirements do not need to be repeated in WAC because it's already a state law.
Oppose the untargeted removal of cougars in order to reduce perceived or actual conflicts with humans and their domestic animals.	Thank you for your comment. The Department will implement state law ESHB 2438 as passed by the Washington State Legislature.
Remove requirement that only dog owners may apply for a permit.	Thank you for your comment. The Department has removed that requirement.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations.

2006-2008 Fall Black Bear Seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	Sept. 5 - Nov. 15, 2006 Sept. 4 - Nov. 15, 2007 Sept. 2 - Nov. 15, 2008	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 5 - Nov. 15, 2006 Sept. 4 - Nov. 15, 2007 Sept. 2 - Nov. 15, 2008	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381

North Cascades South East Cascades North A East Cascades North B	Aug. 1 - Mar. 15 Aug. 1 - Mar. 15 Aug. 1 - Mar. 15 Oct. 14 - Nov. 19, 2006 Oct. 13 - Nov. 19, 2007 Oct. 11 - Nov. 19, 2008	GMUs 418, 426, 437, 448, 450, 460, 466, 485 GMUs 503, 505, 510-520, 524, 550-574, 653, 654, 667 GMUs 328, 329, 334-340 GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties	Any legal weapon Any legal weapon Any legal weapon Any legal weapon
East Cascades North C	Sept. 1 - Nov. 30	GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties	Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.
East Cascades South A	Aug. 1 - Mar. 15	GMUs 342-368((, 382, 388, 578)))	Any legal weapon
East Cascades South B	Oct. 11 - Nov. 19, 2008	GMUs 382, 388, 578 within Klickitat County	Any legal weapon
East Cascades C	Sept. 1 - Nov. 30	GMUs 382, 388, 578 within Klickitat County	Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.
Northeastern A	Aug. 1 - Mar. 15	GMUs 124-133	Any legal weapon
Northeastern B	Oct. 14 - Nov. 19, 2006 Oct. 13 - Nov. 19, 2007 Oct. 11 - Nov. 19, 2008	GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204	Any legal weapon
Northeastern C	Sept. 1 - Nov. 30	GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204	Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.

Blue Mountains Columbia Basin	Aug. 1 - Mar. 15	GMUs 145-154, 162-186	Any legal weapon
	Aug. 1 - Mar. 15	GMUs 136-142, 248, 254-290, 330, 371-381	Any legal weapon

Requirements for Cougar Seasons:

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Area Restriction: Special deer permit required to hunt cougar in GMU 485.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

Cougar Pelt Sealing: Any person who takes a cougar must comply with the sealing requirements in WAC 232-12-024.

[Statutory Authority: RCW 77.12.047. 06-11-032 (Order 06-92), § 232-28-272, filed 5/8/06, effective 6/8/06; 04-21-036 (Order 04-284), § 232-28-272, filed 10/14/04, effective 11/14/04. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-272, filed 5/12/04, effective 6/12/04.

Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-272, filed 6/12/03, effective 7/13/03; 01-20-011 (Order 01-198), § 232-28-272, filed 9/20/01, effective 10/21/01.

Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-272, filed 4/26/01, effective 5/27/01.

Statutory Authority: RCW 77.12.047. 00-21-038 (Order 00-215), § 232-28-272, filed 10/12/00, effective 11/12/00.

Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-272, filed 5/23/00, effective 6/23/00.

Statutory Authority: RCW 77.12.040. 99-01-138 (Order 98-249), § 232-28-272, filed 12/22/98, effective 1/22/99; 98-10-008 (Order 98-57), § 232-28-272, filed 4/22/98, effective 5/23/98.]

WAC 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations

SUPPLEMENTAL RECOMMENDED ADJUSTMENTS

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

Page 13

- In the East Cascades South B unit, change the hunt season from “Aug. 1 – Nov. 30” to “Oct. 11 – Nov. 19, 2008”.
- Add East Cascades South C unit:
 - Season: “Sept. 1 – Nov. 30”
 - Hunt area: “GMUs 382, 388, 578 within Klickitat County”
 - Special restrictions: “Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag”

The purpose of these changes are to make the general season hunts consistent with other general season hunts in areas that also have a cougar permit hunt with the aid of dogs.

SUPPLEMENTAL SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-272 2006-2007, 2007-2008, 2008-2009 Black bear and cougar hunting seasons and regulations

COMMENTS	AGENCY RESPONSE
The special restrictions for East Cascades North C and Northeastern C are nonsensical, confusing, or extremely discriminatory toward archery deer or elk hunters and muzzleloader deer or elk hunters.	Thank you for your comment. In the past, most cougars were harvested during general season deer or elk hunters. These hunters harvested cougars incidentally (and opportunistically). The Department wanted general season hunters to continue hunting cougar during deer and elk seasons.
Should the new East Cascades South B have similar restrictions to East Cascades North C and Northeastern C?	Thank you, the Department will make the correction.
Why the date restriction for archery and muzzleloader hunters in East Cascades North C and Northeastern C?	Thank you for your comment. In the past, most cougars were harvested during general season deer or elk hunters. These hunters harvested cougars incidentally (and opportunistically). The Department wanted general season hunters to continue hunting cougar during deer and elk seasons.
Do archery and muzzleloader hunters hunt during the respective deer and elk seasons outside or inside of the Sept. 1 to Nov. 30 time period?	Archery and muzzleloader deer and elk hunters may harvest a cougar (with cougar license/tag) between Sept. 1 and Nov 30, but must use the weapon consistent with their deer/elk tag. Any legal weapon can be used during Oct. 11 and Nov. 19.

AMENDATORY SECTION (Amending Order 04-284, filed 10/14/04, effective 11/14/04)

WAC 232-12-243 Public safety cougar removals. (1)

Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(e) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(f) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(g) "Public safety need" means there exists a reasonable

threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(h) "Removal" means the act of killing one or more cougar with the aid of dogs.

(i) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(j) "Human-cougar interaction" means a human-cougar safety incident, livestock or pet depredation, cougar nuisance activity, or cougar sighting event.

(k) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

(a) The commission determines that when the above practical

alternatives have been utilized within a game management unit, eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations, therein demonstrating that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(b) If warranted by conditions of this rule, public safety cougar removal(s) will be conducted annually between December 1st and March 15th in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar, except in game management units in ((Chelan, Okanogan, Ferry, Stevens, and Pend Oreille)) counties where cougars will be removed to address public safety and protection of property with pilot cougar hunting seasons with the aid of dogs authorized under WAC 232-28-285.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list

of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than October 1, or be received at the department's Olympia office no later than 5:00 p.m. on October 1, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), the participant must be a Washington resident dog hunter who, at the time of application for a permit, possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a public safety cougar removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in cougar removal.

(a) Public safety cougar removals will be based on a quota system, where permit holders may hunt cougar until the allotted numbers of cougar have been killed from each game management unit or March 15, whichever is first.

(b) Permit holders who harvest a cougar before January 15 may continue hunting for a second cougar with dogs. The permit holder must purchase an additional cougar transport tag to hunt and harvest one additional cougar and the permit holder will be issued a second permit. Permit holders who harvest a cougar after January 15 are not eligible to harvest a second cougar with dogs.

(c) To verify if the cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia within twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in

Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Public safety cougar removal general requirements.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar. One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two cougar transport tags must be made at department offices.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that

teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(e) The public safety cougar removal permit (permit) belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047. 04-21-036 (Order 04-284), § 232-12-243, filed 10/14/04, effective 11/14/04; 03-17-037 (Order 03-186), § 232-12-243, filed 8/14/03, effective 9/14/03; 02-17-013 (Order 02-183), § 232-12-243, filed 8/9/02, effective 9/9/02; 01-20-011 (Order 01-198), § 232-12-243, filed 9/20/01, effective 10/21/01.]



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 08-03-114; 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)
 WAC 232-28-285 2008-2009 Pilot cougar hunting seasons with the aid of dogs
 WAC 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations
 WAC 232-12-243 Public safety cougar removals

Hearing location(s):

Natural Resources Building, Rm 172 1111 Washington Street SE Olympia, WA 98501 (360) 902-2515	WDFW Spokane Regional Office 2315 North Discovery Place Spokane Valley, WA 99216 (509) 892-1001
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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: Monday, June 30, 2008

Date: July 18, 2008 Time: 6:00 pm

Assistance for persons with disabilities:

Contact: Susan Yeager by July 16, 2008
 TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: August 8-9, 2008
 (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: 77.12.047; 77.12.020

Statute being implemented: 77.12.047; 77.12.020

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| If yes, CITATION: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 04, 2008
TIME: 10:38 AM

WSR 08-12-106

DATE
 June 4, 2008

NAME
 Lori Preuss

SIGNATURE

TITLE
 Rules Coordinator

(COMPLETE REVERSE SIDE)

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

WAC 232-28-285 provides recommendation for implementation of ESHB 2438.

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..... Dave Brittell	Natural Resources Building, Olympia	(306) 902-2504
Implementation.... Dave Brittell	Natural Resources Building, Olympia	(360) 902-2504
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 regulate recreational hunters and 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 232-28-285 2008-2009 Pilot cougar hunting seasons with the aid of dogs

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

Establishes pilot cougar with the aid of dogs in Chelan, Okanogan, Ferry, Stevens, and Pend Oreille counties for the 2008-09 winter, plus other Washington counties that meet opt-in requirements from ESHB 2438. The proposed changes to the existing rule include:

- 1) Replace the requirement that hunters must own dogs capable of treeing a cougar to be eligible for a permit, with a requirement that prohibits payment for using dog-handler services.
- 2) Replace the logbook requirement with mandatory reporting using the toll-free cougar hotline.
- 3) Reduce the kill quotas by 40% to stabilize the cougar population at the current lower level and add kill quotas for new counties that participate in the pilot program.
- 4) Change the bag limit from 2 to 1 cougar.
- 5) Routine calendar date changes for the five counties continuing the pilot program.

At the date of this filing, only Klickitat County has met the basic requirements for inclusion in the pilot cougar hunt. This filing serves as a public notice that other counties may request inclusion in the pilot cougar program up until rule action by the Fish and Wildlife Commission in August 2008. On June 19, 2008, the Department of Fish and Wildlife will be presenting the draft cougar program to all county authorities and anticipates other counties may consider requesting inclusion into the pilot cougar hunt program. Kill quotas for new counties opting into the pilot cougar hunt program will be developed prior to the August Fish and Wildlife Commission meeting and are anticipated to be consistent with harvest levels that result in stable cougar populations.

The anticipated effects are to stabilize cougar populations in effected areas at current levels.

Reasons supporting proposal:

Enhance public safety and provide a more effective cougar management program.

WAC 232-28-272 2006-2007, 2007-2008, and 2008-2009 Black bear and cougar hunting seasons and regulations

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

Establishes general cougar seasons statewide. The proposed change to the existing rule are to close the general cougar season on November 30, 2008 rather than March 15, 2009 for new counties that participate in the pilot cougar hunt with the aid of dogs. No anticipated effects to the cougar populations.

Reasons supporting proposal:

Enhance public safety and provide a more effective cougar management program.

WAC 232-12-243 Public safety cougar removals

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

Establishes rules for public safety cougar removals in portions of GMUs statewide. The proposed change to the existing rule is to discontinue the use of public safety cougar removals in GMUs within new counties that participate in a pilot cougar hunt with the aid of dogs. No anticipated effects to the cougar populations.

Reasons supporting proposal:

Enhance public safety and provide a more effective cougar management program.