

9. COUGAR SEASONS AND REGULATIONS – RULE BRIEFING, PUBLIC HEARING, AND RULE ACTION

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“GREEN SHEET”

Meeting: August 5-6, 2011

Agenda Item 9: Cougar Seasons and Regulations – **Rule Briefing, Public Hearing, and Rule Action**

Prepared By: Donny Martorello, Ph.D.

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

Background:

Department staff will brief the Commission on proposed amendments to WAC 232-28-272 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 cougar hunting seasons and regulations; WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit hunting seasons and regulations; and WAC 232-12-243 Public safety cougar removals.

During the past three years, the Department has implemented cougar hunting under three different legislative authorities:

1. General cougar hunting seasons (WACs 232-28-272, 232-28-287) under RCW 77.12.047.
2. Public safety cougar removals with the aid of dogs (WAC 232-12-243) under ESSB 5001.
3. Pilot cougar hunt with the aid of dogs (WAC 232-28-285) under ESHB 2438.

The legislative authority for pilot cougar hunt with the aid of dogs (i.e., ESHB 2438) had a 3-year sunset, which ended on March 31, 2011. The 2011 Legislature did not extend that authority to continue the pilot program. Statute authority for general cougar seasons and public safety cougar removals does not have a sunset clause and remained unchanged. The pilot cougar hunt with the aid of dogs occurred in 5 hunt zones (6 counties) in eastern Washington and comprised roughly half of the total harvest for those zones. With the absence of the pilot cougar program, the Department is recommending the following changes to the 5 hunt zones (no recommended changes in all other zones):

General and Permit Seasons without the aid of dogs

- WAC 232-28-272 provides general season recreational harvest opportunity to hunters. The Department is recommending increasing the length of the any-weapon general season from Oct. 29-Nov. 30 to Oct. 15-Dec. 31 in each of the 5 hunt zones. Data on cumulative harvest through the season suggests the female harvest will likely be near the female harvest guideline for each zone by Dec. 31.
- WAC 232-28-287 provides permit season recreational harvest opportunity (without the use of dogs) to hunters during core snow months. The Department is recommending adding a Jan. 1-Mar. 31 permit season in each of the 5 zones, with between 20-40 permits depending on the size of the zone. The purpose of the permit season is to provide late season opportunity with snow conditions that are conducive for tracking and calling. Because the harvest success is less than 1 percent, the expected harvest is low.

Cougar Management Removals with the aid of dogs

- WAC 232-12-243 provides regulations associated with cougar management removals (i.e., public safety cougar removals) to address human-cougar interactions. It is unknown if reported human-cougar conflicts will increase with the discontinuation of the pilot cougar program in the 5 hunt zones. Cougar complaints have a human-dimensions component
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and involve both real and perceived threats, with different expectations on the Department for each. Given the complexity and uncertainty of this issue, the Department wants to be responsive to both real increases in conflict and the perception that threats have increased. As such, the Department is recommending cougar management removals when the annual or seasonal number of confirmed human-cougar interactions exceeds the 2005-2010 level. Under this structure, permit hunters will be selected using the same process as other species permit opportunities, but will be used on an “as needed” basis similar to damage hunts for ungulates. In addition, the Department is recommending changing the harvest rate to approximately 14 percent, or 1 cougar per 300 square kilometers of complaint area.

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

- Increase cougar hunt opportunities without dogs in the 5 hunt zones where the pilot cougar hunt program was discontinued in order to reach and maintain female harvest guidelines.
 - Allow cougar management removals when confirmed complaint levels exceed 2008-2010 levels.
 - Change cougar harvest rate to approximately 14 percent for cougar management removals.
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Public involvement process used and what you learned:

These proposed recommendations were mailed to approximately 600 organizations and individuals for their review and consideration. The Department will also collect public testimony at the August Commission meeting.

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

Take public comment and amend rules as proposed.

Draft motion language:

I move to amend WAC 232-28-272, 232-28-287, and 232-12-243 as proposed.

Justification for Commission action:

The Commission action maximizes recreation opportunities for cougar, seeks to manage female harvest guidelines as outlined in the Game Management Plan, and addresses reported human-cougar interactions.

These changes meet the approved criteria established by OFM, as a result of the Governor’s Executive Order 10-06, as they are affected by recent changes to state law; are necessary to protect public health, safety, and welfare; and are beneficial to the hunters who would be affected by them (3a; 3d; 3e).

Communications plan:

- News Release
 - Hunting Pamphlets
 - Washington State Register
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AMENDATORY SECTION (Amending Order 08-197, filed 8/13/08, effective 9/13/08)

WAC 232-12-243 ((Public safety)) Cougar management removals.

(1) Definitions:

As used in this section and in the context of ((public safety)) cougar management 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.~~

(ed) "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.~~

(ge) "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.

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

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

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

(ki) "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 management removal authorization: The commission authorizes the director to issue (~~(public safety)~~) cougar management removal permits consistent with this rule. Prior to issuing (~~(public safety)~~) cougar management 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 management 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))~~ an annual or seasonal increase in confirmed human-cougar interactions above the 20082005-2010 level, therein ~~((demonstrating))~~ demonstrates 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-three 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 management removal(s) will be conducted annually between December 1st and March ~~((15th))~~ 31st 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 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 management removal period unless otherwise authorized by the commission.

(4) ~~((Public safety))~~ Cougar management removal permit issuance procedure.

(a) To participate in a (~~public safety~~) cougar management 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 Management 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 15, or be received at the department's Olympia office no later than 5:00 p.m. on October 15, during the year the removal period begins.

(b) To be eligible for a (~~public safety~~) cougar management 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 management removal.

(c) Individuals eligible for participation in a (~~public safety~~) cougar management 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 management 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 management removal education course prior to participating in a (~~public safety~~) cougar management removal.

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

(a) (~~Public safety cougar~~) This is a management removal administrated by a WDFW designated coordinator. Permit holders will be contacted on an as-needed basis to conduct~~ed~~ removals in portions of GMUs. Not all permit hunters will be contacted in a given year.

(b) 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~~) 31, whichever is first.

~~((b)) (c) 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.~~

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

~~((e))~~ (fe) Hunters killing a cougar during a ~~((public safety))~~ cougar management removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

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

(6) ~~((Public safety))~~ Cougar management 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 management 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 management 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 management 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 management 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, 77.12.040, 77.12.020, 77.12.570, 77.12.210. 08-17-034 (Order 08-197), § 232-12-243, filed 8/13/08, effective 9/13/08. 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.]

WAC 232-12-243 Cougar Management Removals

RECOMMENDED ADJUSTMENTS

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

Page 1

- Delete the definition of “Marginal cougar habitat” and “Preferred cougar habitat.” The reason for the change is because research suggests the cougar density is very similar in various habitats and locations in eastern and western Washington.

Page 3

- Change the threshold for a cougar management removal from “annual or seasonal increase in confirmed human-cougar interactions above the 2008-2010 level” to “annual or seasonal increase in confirmed human-cougar interactions above the 2005-2010 level.” The reason for the change is that the 5-year average incorporates more natural variability in complaint levels, while still being a good representation for the time period with overall low complaint levels.
- Change the removal rate from “The commission authorizes the director to remove one cougar per one three 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” to “The commission authorizes the director to remove one cougar per three hundred square kilometers of complaint area.” The reason for the change is to set the harvest level at approximately 14 percent of the population.
- In subsection (c), delete “public safety” and insert “management,” so the name of the removal period is “cougar management removal period.” The reason for the change to the name is that these hunts may be triggered for several reasons, and while all of them involve conflicts with humans and their property, they may or may not be related to personal safety.

Page 4

- Change the deadline for individuals requesting inclusion in the cougar management removal process from October 1 to October 15. The reason for the change is to allow enough time to notify the public about potential cougar removals and how to request inclusion.

Page 5

- Delete subsection (c). The reason for the change is permit hunters will be able to harvest 1 cougar while participating in a cougar management removal.

Page 6

- Delete the last four sentences for subsection (a). The reason for the change is permit hunters will be able to harvest 1 cougar while participating in a cougar management removal.

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

WAC 232-28-272 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 cougar hunting seasons and regulations.

2009 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. 1 - Nov. 15	GMUs 101-121, 204
Northeastern B	Aug. 1 - Nov. 15	GMUs 124-130
Blue Mountains	Sept. 1 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	Sept. 1 - Nov. 15	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.

2009-2010 Cougar Seasons:

Hunt Name	Hunt Area	Season	Special Restrictions
Coastal Puget Sound North Cascades Columbia Basin	GMUs 136-142, 248, 254-290, 371-381, 418, 426, 437, 448, 450, 460, 466, 485, 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699, 407, 410, 454, 624-633, 652, 666	Sept. 1-25	Archery only
		Sept. 26 - Oct. 16	Muzzleloader only
		Oct. 17 - Mar. 31	Any weapon
South Cascades Blue Mountains Kittitas-Yakima Spokane	GMUs 124-133, 145-154, 162-186, 328-368, 503, 505, 510-520, 524, 550-574, 653, 654, 667	Sept. 1-25	Archery only
		Sept. 26 - Oct. 16	Muzzleloader only
		Oct. 17 - Dec. 31	Any weapon
Chelan Okanogan Okanogan-Ferry Stevens-Pend Oreille Klickitat	GMUs 101, 105, 108-121, 203, 204, 209-242, 243-247, 249-251, 382, 388, 578 within Chelan, Ferry, Klickitat, Okanogan, Stevens, or Pend Oreille counties	Sept. 1-25	Archery only
		Sept. 26 - Oct. 16	Muzzleloader only
		Oct. 31 - Nov. 30	Any weapon

2010-2011 Cougar Seasons:

Hunt Name	Hunt Area	Season	Special Restrictions
Coastal Puget Sound North Cascades Columbia Basin	GMUs 136-142, 248, 254-290, 371-381, 418, 426, 437, 448, 450, 460, 466, 485, 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699, 407, 410, 454, 624-633, 652, 666	Sept. 1-24	Archery only
		Sept. 25 - Oct. 15	Muzzleloader only
		Oct. 16 - Mar. 31	Any weapon
South Cascades Blue Mountains Kittitas-Yakima Spokane	GMUs 124-133, 145-154, 162-186, 328-368, 503, 505, 510-520, 524, 550-574, 653, 654, 667	Sept. 1-24	Archery only
		Sept. 25 - Oct. 15	Muzzleloader only
		Oct. 16 - Dec. 31	Any weapon
Chelan Okanogan Okanogan-Ferry Stevens-Pend Oreille Klickitat	GMUs 101, 105, 108-121, 203, 204, 209-242, 243-247, 249-251, 382, 388, 578 within Chelan, Ferry, Klickitat, Okanogan, Stevens, or Pend Oreille counties	Sept. 1-24	Archery only
		Sept. 25 - Oct. 15	Muzzleloader only
		Oct. 31 - Nov. 30	Any weapon

2011-2012 Cougar Seasons:

Hunt Name	Hunt Area	Season	Special Restrictions
Coastal Puget Sound North Cascades Columbia Basin	GMUs 136-142, 248, 254-290, 371-381, 418, 426, 437, 448, 450, 460, 466, 485, 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699, 407, 410, 454, 624-633, 652, 666	Sept. 1-23	Archery only
		Sept. 24 - Oct. 14	Muzzleloader only
		Oct. 15 - Mar. 31	Any weapon
South Cascades Blue Mountains Kittitas-Yakima Spokane	GMUs 124-133, 145-154, 162-186, 328-368, 503, 505, 510-520, 524, 550-574, 653, 654, 667	Sept. 1-23	Archery only
		Sept. 24 - Oct. 14	Muzzleloader only
		Oct. 15 - Dec. 31	Any weapon
Chelan Okanogan Okanogan-Ferry Stevens-Pend Oreille Klickitat	GMUs 101, 105, 108-121, 203, 204, 209-242, 243-247, 249-251, 382, 388, 578 within Chelan, Ferry, Klickitat, Okanogan, Stevens, or Pend Oreille counties	Sept. 1-23	Archery only

		Sept. 24 - Oct. 14	Muzzleloader only
		Oct. ((29 - Nov. 30)) <u>15 - Dec. 31</u>	Any 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: One (1) 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.

Hunting Method: The use of dogs 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))~~ 232-12-243).

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, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. 09-09-083 (Order 09-53), § 232-28-272, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.040, 77.12.020, 77.12.570, 77.12.210. 08-17-034 (Order 08-197), § 232-28-272, filed 8/13/08, effective 9/13/08. 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 7/19/11 2:23 PM[4] OTS-4020.1

(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.]

AMENDATORY SECTION (Amending Orders 10-94 and 10-94A, filed 4/30/10 and 12/30/10, effective 5/31/10 and 1/30/11)

WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations. It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280 (1)(c).

Who may apply: Anyone with a valid Washington big game license, which includes cougar as a species option.

Hunt areas, permit levels, and season dates for each license year:

Hunt Name	Hunt Area	Permits	Season Dates ^a
South Cascades	GMUs 503, 505, 510-520, 524, 550-574, 653, 654, 667	40	Jan. 1 - Mar. 31
Blue Mountains	GMUs 145-154, 162-186	100	Jan. 1 - Mar. 31
Kittitas-Yakima	GMUs 328-368	30	Jan. 1 - Mar. 31
Spokane	GMUs 124-133	30	Jan. 1 - Mar. 31
<u>Chelan</u>	<u>GMUs 243-247, 249-251</u>	<u>40</u>	<u>Jan. 1 - Mar. 31</u>
<u>Okanogan</u>	<u>GMUs 203, 209-242</u>	<u>40</u>	<u>Jan. 1 - Mar. 31</u>
<u>Okanogan-Ferry</u>	<u>GMUs 101, 105, 204</u>	<u>20</u>	<u>Jan. 1 - Mar. 31</u>
<u>Stevens-Pend Oreille</u>	<u>GMUs 108-121</u>	<u>30</u>	<u>Jan. 1 - Mar. 31</u>
<u>Klickitat</u>	<u>GMUs 382, 388, 578</u>	<u>20</u>	<u>Jan. 1 - Mar. 31</u>
^a Permits are valid for the license year they are issued.			

Requirements for Cougar Seasons:

Bag limit: One (1) 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.

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

Tag information: One cougar transport tag is included with a big game license that has cougar as a species option.

Hunting method: The use of dogs 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~~) 232-12-243).

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, 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), § 232-28-287, 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, 77.12.570, 77.12.210, 77.12.150, 77.12.240. 09-09-083 (Order 09-53), § 232-28-287, filed 4/15/09, effective 5/16/09.]



PROPOSED RULE MAKING

CR-102 (June 2004)

(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 11-06-058 and WSR 11-10-083 ; 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 232-12-243, Public safety cougar removals.
 WAC 232-28-272, 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 cougar hunting seasons and regulations.
 WAC 232-28-287, 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.
 WAC 232-28-435, 2011-12 Migratory waterfowl seasons and regulations.

Hearing location(s):
 Natural Resources Building, Conference Room 172
 1111 Washington Street SE
 Olympia, Washington 98504

Date: August 5-6, 2011 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

 E-mail: Wildthing@dfw.wa.gov
 Fax: (360) 902-2162
 by (date) Wednesday, July 13, 2011

Assistance for persons with disabilities: Contact
Susan Yeager by July 29, 2011
 TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: August 5-6, 2011
 (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: 77.04.012; 77.04.055; 77.12.047;
 77.32.070; 77.15.245

Statute being implemented: 77.04.012; 77.04.055; 77.12.047;
 77.32.070; 77.15.245

Is rule necessary because of a:
 Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION: Yes No
 CFR Title 50, Part 20; Migratory Bird
 Treaty Act

DATE
 June 17, 2011

NAME (type or print)
 Lori Preuss

SIGNATURE

TITLE
 Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: June 17, 2011

TIME: 5:12 PM

WSR 11-13-089

(COMPLETE REVERSE SIDE)

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

None.

Name of proponent: (person or organization) Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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

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

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules do not directly regulate small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: These are not hydraulics rules.

ATTACHMENT A

WAC 232-12-243 Public safety cougar removals.

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

The purpose of the WAC is to identify when cougar management removals are warranted for the protection of public safety and private property. The proposed WAC amendments change the threshold for conducting a cougar management removal from “eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations,” to “an annual or seasonal increase in confirmed human-cougar interactions above the 2008-2010 level.” The proposed WAC amendments also extend the removal season from March 15 to March 31, authorize removals on an as-needed basis, and re-name the program from “Public safety cougar removals” to “Cougar management removals.”

Reasons supporting proposal:

The reason for the proposed changes is to make the removal threshold more responsive to any increases in confirmed human-cougar interactions and to perceptions of new threats posed by cougar.

WAC 232-28-272 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 cougar hunting seasons and regulations.

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

The purpose of the proposed WAC amendments is to establish the 2011-2012 cougar hunting seasons for hunting without the aid of dogs. The Department is recommending changing the Oct. 29-Nov. 30 any-weapon general season to Oct. 15-Dec. 31. Data on cumulative harvest through the season suggests that the female harvest will likely be near the female harvest guideline for each zone by Dec. 31.

Reasons supporting proposal:

The reason for the proposed changes is to achieve the female harvest guideline established in the Game Management Plan.

WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.

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

The purpose of the proposed WAC amendments is to establish the 2011-2012 cougar permit hunting seasons for hunting without the aid of dogs. The Department is recommending adding a Jan. 1-Mar. 31 permit season in each of the 5 zones, with between 20-40 permits issued per zone, depending on the size of the zone. The purpose of the permit season is to provide late-season opportunity when snow conditions are conducive for tracking and calling. Because the harvest success is less than 1 percent, the expected harvest is low.

Reasons supporting proposal:

The reason for the proposed changes is to manage the female harvest guideline established in the Game Management Plan.

WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations.

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

The new WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl, coot, and snipe for the 2011-12 hunting season.

Reasons supporting proposal:

Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.