



## Fish and Wildlife Commission Presentation Summary Sheet

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**Meeting date:**

Saturday, June 25, 2022

**Agenda item:**

Cougar Hunting Season and Regulations

**Presenter(s):**

Anis Aoude, Manager, Game Division, Wildlife Program

**Background summary:**

Department staff will brief the Commission on the proposed rule and amendments to WAC 220-415-100 Cougar Hunting Season and Regulations.

The purpose of the proposed amendments to 220-415-100 Cougar hunting seasons and regulations is to primarily address an ungulate management concern by providing an additional recreational cougar hunting opportunity in specific geographic areas. The proposal is to use recreational hunting, through a second cougar harvest opportunity in identified cougar population management units (PMUs), to assist in increasing elk calf survival. If the proposed amendments are adopted, WDFW would expect an increase in cougar harvest in the GMUs that constitute PMUs 9, 10, and 11, where the Blue Mountain Elk herd is more susceptible to cougar caused mortality. WDFW also anticipates a corresponding increase in juvenile elk survival in PMUs 9, 10, and 11, where in recent years the agency has observed insufficient juvenile elk survival to achieve population growth or stability in the Blue Mountains elk population. This amendment would also add the cougar PMU number to each of the hunt areas. These amendments, if adopted, would provide an additional hunting opportunity to hunters who may elect to pursue a second cougar within the identified PMUs, and clearly identify the PMU numbers and the GMUs associated with each for those individuals. The proposal meets the Commission's mandate and the guidance under WDFW's 2015-2021 Game Management Plan.

A fundamental part of WDFW's legislative mandate is to preserve, protect, and manage wildlife while providing maximum, sustainable recreational hunting opportunities. Elk have been a part of Washington's wildlife for over 10,000 years, and the recent downward population trends of Blue Mountain elk are concerning to ungulate managers for maintaining a healthy and sustainable elk herd in the Blue Mountains over the long-term. WDFW strives to manage for viable and productive elk populations with desirable population characteristics, as explained in WDFW's 2015-2021 Game Management Plan. A recent risk-assessment conducted by WDFW has identified cougar predation as a leading cause of elk calf mortality. WDFW recognizes cougar management actions, which aim to reduce

cougar numbers in specific areas, as a viable management tool to minimize potential predation on ungulates and provide support to the ungulate herd. The increased opportunity to harvest cougars within the Blue Mountain Elk herd range would also assist in efforts to meet the cougar harvest guidelines for those PMUs where the cougar harvest has not met the guideline. The addition of the PMU numbers would clarify to hunters which GMUs are contained within each PMU and further state which PMUs are authorized for a second cougar transport tag.

The specific proposed changes include:

1) Under section (2) add a column to identify each hunt area with the associated population management unit number.

2) Under section (4)(b) add the following language (indicated by underlined and strike out text):

b) The statewide bag limit is one (~~(+1)~~) cougar per license year statewide and one additional cougar per license year may only be harvested from the following PMUs 9, 10, and 11; excluding removals authorized under WAC 220-440-030. One cougar transport tag is included with a big game hunting license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar in PMUs 9, 10, and 11; which are comprised of the following GMUs: 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186. Hunters may only purchase the second transport tag after having purchased a license which includes cougar as a species option. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Reasons supporting proposal:

1) The addition of the PMU numbers is intended to direct hunters to the specific hunt areas eligible for a second harvest opportunity.

2) The overall intent of allowing an individual hunter to harvest a second cougar per license year is to provide a limited opportunity in PMUs 9, 10, and 11 while also addressing a local ungulate management issue identified by WDFW wildlife staff. In these three PMUs, where the second cougar tag would be offered, elk calf survival is low and mortality caused by predation, specifically cougar predation, is high. WDFW staff determined that predation on elk calves must be addressed to improve elk calf survival and reducing cougar density within the affected PMUs of the Blue Mountains is warranted as a short-term management tool. The use of hunters is deemed the most immediate method feasible under current law. Continued monitoring of cougar harvest and elk calf survival is paramount to assess the efficacy of the proposed action if adopted.

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**Staff recommendation:**

Briefing only.

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**Policy issue(s) and expected outcome:**

No policy issues.

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**Fiscal impacts of agency implementation:**

None.

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**Public involvement process used and what you learned:**

WDFW filed a preproposal statement of inquire on November 30, 2021, WSR 21–24–084. This filing initiated public comment that will close at midnight on June 25, 2022. WDFW also issued a news release as well as posts to multiple media outlets, our website, and emails. Hard copies will be sent to those who request it. WDFW Staff will consider the public comment and return to the Fish and Wildlife Commission in July asking for a decision.

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**Action requested and/or proposed next steps:**

Briefing only. If adopted the proposed amendments would be implemented for the 2022-2023 cougar seasons and be effective by the season open date of September 1, 2022. WDFW filed a proposed rulemaking on May 18, 2022, WSR 22–11–089. This filing initiated public comment that will close at midnight on June 25, 2022

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**Draft motion language:**

Briefing only.

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**Post decision communications plan:**

Briefing only.

AMENDATORY SECTION (Amending WSR 20-11-020, filed 5/12/20, effective 6/12/20)

**WAC 220-415-100 Cougar hunting seasons and regulations.** (1) As used in this section and in the context of general cougar hunting seasons, "harvest guideline" means the estimated allowable harvest; the actual harvest may be less than or more than the harvest guideline.

(2) Early general cougar season is September 1<sup>st</sup> to December 31<sup>st</sup>, late general cougar season is January 1<sup>st</sup> to April 30<sup>th</sup> of the following year. Hunters can use any legal weapon to hunt cougars.

Harvest guidelines:

(Implied density in parentheses)

<b>Population Management Unit (PMU)</b>	<b>Hunt Area</b>	<b>Harvest Guideline</b>
<u>1</u>	GMU 101	7-11 (2.6)
<u>2</u>	GMU 105	4 (3.72)
<u>3</u>	GMUs 108, 111	9-11 (3.63)
<u>4</u>	GMU 113	4-5 (1.91)
<u>5</u>	GMU 117	11-13 (3.57)
<u>6</u>	GMU 121	9-11 (3.65)*
<u>7</u>	GMUs 124, 127, 130	7-9 (2.15)
<u>8</u>	GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381	None
<u>9**</u>	GMUs 149, 154, 162, 163	7-9 (3.56)*
<u>10**</u>	GMUs 145, 166, 175, 178	6-7 (3.51)
<u>11**</u>	GMUs 169, 172, 181, 186	5-6 (3.68)
<u>12</u>	GMU 203	4-5 (1.91)
<u>13</u>	GMU 204	6-8 (2.17)
<u>14</u>	GMUs 209, 215	3-4 (1.91)
<u>15</u>	GMUs 218, 231	4-5 (1.91)
<u>16</u>	GMU 224	2 (1.91)
<u>17</u>	GMUs 233, 239	4-5 (2.42)
<u>18</u>	GMUs 242, 243	5-6 (2.28)
<u>19</u>	GMUs 244, 246, 247	4-6 (1.91)
<u>20</u>	GMUs 245, 250	4-6 (1.91)
<u>21</u>	GMUs 249, 251	4-6 (1.91)
<u>22</u>	GMUs 328, 329, 335	8-10 (2.79)
<u>23</u>	GMUs 336, 340, 342, 346	9-11 (3.61)
<u>24</u>	GMUs 352, 356, 360, 364, 368	7-9 (2.9)
<u>25</u>	GMUs 382, 388	3 (1.91)
<u>26</u>	GMU 407	None
<u>27</u>	GMUs 418, 426, 437	10-13 (1.91)
<u>28</u>	GMUs 448, 450	8-11 (1.91)
<u>29</u>	GMU 454	None
<u>30</u>	GMU 460	4-6 (1.91)
<u>31</u>	GMUs 466, 485, 490	2-3 (1.91)

<b>Population Management Unit (PMU)</b>	<b>Hunt Area</b>	<b>Harvest Guideline</b>
<u>32</u>	GMUs 501, 504, 506, 530	6-9 (1.91)
<u>33</u>	GMUs 503, 505, 520, 550	5-7 (1.91)
<u>34</u>	GMUs 510, 513	3 (1.91)
<u>35</u>	GMU 516	3-4 (1.91)
<u>36</u>	GMUs 524, 554, 556	3 (1.91)
<u>37</u>	GMU 560	4-5 (1.91)
<u>38</u>	GMU 564	1 (1.91)
<u>39</u>	GMU 568	3 (2.74)
<u>40</u>	GMU 572	2-3 (1.91)
<u>41</u>	GMUs 574, 578	5-6 (2.82)
<u>42</u>	GMUs 601, 602, 603, 612	4-6 (1.91)
<u>43</u>	GMUs 607, 615	3-4 (1.91)
<u>44</u>	GMUs 618, 636, 638	3-5 (1.91)
<u>45</u>	GMUs 621, 624, 627, 633	None
<u>46</u>	GMUs 642, 648, 651	6-8 (2.18)
<u>47</u>	GMUs 652, 666	None
<u>48</u>	GMUs 653, 654	4-5 (1.91)
<u>49</u>	GMUs 658, 660, 663, 672, 673, 681, 684, 699	8-11 (1.91)
<u>50</u>	GMU 667	6-7 (3.48)

\* Adjusted to stay within realistic density.

\*\* A second cougar may be harvested in the hunt area with the purchase of a second cougar transport tag.

(a) In hunt areas with a harvest guideline, the cougar late hunting season may close on or after January 1st in one or more GMUs if cougar harvest meets or exceeds the guideline.

(b) In hunt areas with a harvest guideline, starting January 1st, cougar hunters may hunt cougar from January 1st until the hunt area harvest guideline has been met, and the department has notified licensed cougar hunters by posting the hunt area closure on the department's website and on the toll-free cougar hunting hotline, or April 30th, whichever occurs first.

(3) Harvest guideline system:

(a) All cougar of the appropriate age class killed by licensed hunters during the early and late hunting seasons, shall be counted toward the harvest guideline.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority regardless of harvest guidelines.

(c) It is each cougar hunter's responsibility to verify if the cougar late hunting season is open or closed in hunt areas with a harvest guideline. Cougar hunters can verify if the season is open or closed by calling the toll-free cougar hunting hotline or visiting the department's website.

(4) Cougar hunting season requirements and special restrictions.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

(b) The statewide bag limit is one (~~(+1)~~) cougar per license year statewide and one additional cougar per license year may only be harvested from the following PMUs 9, 10, and 11; excluding removals

authorized under WAC 220-440-030. One cougar transport tag is included with a big game hunting license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar in PMUs 9, 10, and 11; which are comprised of the following GMUs: 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186. Hunters may only purchase the second transport tag after having purchased a license which includes cougar as a species option. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(c) The use of dogs to hunt cougar is prohibited; except by a commission authorized permit (WAC 220-440-030 and 220-412-130).

(d) Any person who takes a cougar must comply with the notification and sealing requirements in WAC 220-400-050.

(e) A special cougar permit is required to hunt cougar in GMU 485.







**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:  
 TTY:  
 Email:  
 Other:

No: Please explain: This proposal does not require a cost benefit analysis under RCW 34.05.328.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025 (4).

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

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> May 18, 2022
<b>Name:</b> Annie Szvetecz
<b>Title:</b> WDFW Agency Rules Coordinator

<b>Signature:</b> 
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