



## Fish and Wildlife Commission Presentation Summary Sheet

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**Meeting date:**

9/8/2023

**Agenda item:**

*A petition that asks the commission to begin rulemaking to “Amend the Cougar Management Removal Permit Program and RCW 77.15.245 (sic) and WAC 220-440-030.”*

**Presenter(s):**

Jim Brown, Conflict Section Manager, Wildlife Program

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**Background summary:**

The petitioner is asking the commission to open rulemaking to amend a rule that was developed to implement the provisions within RCW 77.15.245(3), regarding the use of dogs to address cougar conflict in response to selected areas experiencing increased conflict. The requested action to amend the RCW is beyond the Commission’s rulemaking authority.

The petitioner is also requesting WAC 220-440-030 be amended. This existing rule was adopted to establish the Director’s authority to implement the intent of the RCW listed above. It is intended to be about the requirement to use *dogs* as a conflict management tool as specifically contemplated in RCW 77.15.245(3).

Because WAC 220-440-030 is a response to RCW 77.15.245, the rule is not currently structured to be for other methods unrelated to the use of dogs to pursue and kill cougars, as dog use to pursue and kill cougars is otherwise legally prohibited to the public.

These permit hunts using dogs are only authorized if the Director believes other cougar management options have been ineffective. The current rule requires the department to show that existing hunting seasons, depredation permits, and other tools have been ineffective at reducing conflict, but in all cases is still limited by rules establishing harvest ceiling targets within GMUs. It is quite rare for the department to find those other management tools are ineffective. As such, the department has not used this WAC to implement any of these hunts since 2017, where only one GMU opened targeting 3 removals based upon incidents in 2016.

The petitioner requests the Commission expand the scope of the rule to include requiring using hunters who use calling devices to attract cougars. The department is not seeking new tools to implement within this permitting process because the use of dogs is effective when utilized. And there is no data to support calling is an effective tool to reliably remove cougars within the intent of RCW 77.15.245 and WAC 220-440-030. The rule is intended to target and remove cougars within a tightly defined permit geographic area. Unlike pursuit with dogs, calling could be counterproductive in such circumstances. Calling has potential to attract cougars into an area with a conflict history during the permit, rather than pursue those cougars found already within the permit area.

**Staff recommendation:**

Department staff recommend denying this petition for three reasons.

First, the referenced RCW cannot be amended by the agency and the WAC is intended to further the RCW's statutory intent to use dogs as a tailored conflict response tool. Second, WDFW staff do not see a need to amend the rule, primarily because the Department has not used this program in several years and does not anticipate needing to alter the rule before a future hunt could or would be authorized. Third, the technique advocated by the petitioner (calling) has not been shown to be effective and in fact could be counterproductive in the specific conflict scenario contemplated in WAC 220-440-030.

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

If this petition is denied no rule making will take place to amend WAC 220-440-030.

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**Fiscal impacts of agency implementation:**

The fiscal impact of this decision is minimal and is not different from the status quo.

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

The public were given notice of this petitions through the commission agenda and had an opportunity to submit written comment. There was no public involvement directly related to this petition prior to its submission. A public engagement process will occur if rule making occurs in the future.

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

Dependent on Commission decision.

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**Draft motion language:**

I move we deny this petition.

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**Post decision communications plan:**

Communicate the outcome of the Commission's decision to the petitioner.

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