



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

12/15/2023

Agenda item:

A petition for rulemaking to amend bear and cougar general season rules WACs 220-415-100, 220-400-050, and 220-415-090.

Presenter(s):

Anis Aoude, Game Division Manager, Wildlife Program.

Background summary:

The petitioners argue that the Commission decision to change the bear and cougar rules in 2019 and 2020 respectively were arbitrary and capricious and disregarded the science. The petitioners make this argument mostly based on department published information and draw some inference from some external literature. Although they speak about reversing the decisions made, the rule language they propose goes far beyond reversing the changes. Department staff have already recommended not changing the bear and cougar rules for the 2024 season as staff work toward modifying the bear and cougar hunting structures based on scientific review of the available science. Once this process is complete the department anticipates that rulemaking would be initiated to incorporate this new analysis and information into the hunting season structure. Department staff are considering most of the concerns identified in this petition as part of the structure review and opening these rules prior to the work being completed would not allow for the work to be considered. A decision to initiate rulemaking to amend these WACs now would also delay the timeline for completion of the next Game Management Plan because the same staff are responsible for both work products (rule making and GMP). The petitioners argue based on incomplete information that keeping the current seasons would cause irreparable harm to the bear and cougar populations in Washington. The department analyzes game species population status and trends on an annual basis and this information does not indicate that waiting for one or two years for a new framework to revise these rules would harm the valuable bear and cougar resource in Washington nor will it diminish their role in the ecosystem. The department staff presentation will describe the rulemaking process discussed in the petition, including the data presented then, as well as new harvest data collected since the rule changes. Staff will also present how this harvest may affect the bear and cougar populations in Washington with some specific examples where the data exist.

Staff recommendation:

Department staff recommend denying this petition as the department is already considering changes to these rules, pending a robust science review process. Moving forward with rulemaking at this point will shortchange this process.

Policy issue(s) and expected outcome:

If this petition is denied, no rule making will take place until the department staff develop a recommendation following the science review already in progress.

Fiscal impacts of agency implementation:

The fiscal impact of this decision is minimal.

Public involvement process used and what you learned:

The public were given notice of this petition through the commission agenda. 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.

Action requested and/or proposed next steps:

Dependent on Commission decision.

Draft motion language:

I move we deny this petition.

Post decision communications plan:

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