



Minutes

## Washington Fish and Wildlife Commission

April 18-20, 2024 Hybrid Minutes

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### **Attendance**

#### **Commission**

Barbara Baker, Chair  
Tim Ragen, Vice chair  
Lorna Smith  
Molly Linville  
John Lehmkuhl  
Jim Anderson  
Melanie Rowland - Remote  
Steve Parker  
Woody Myers - Remote

#### **Staff**

Kelly Susewind, Director  
Amy Windrope, Deputy Director  
Joe Panesko, AGO  
Jamie Caldwell, Executive Asst.  
Tami Lininger  
Samantha Montgomery  
Kelly Cunningham  
Tom McBride  
Eric Gardner  
Dr. Donny Martorello  
Dr. Brian Kertson  
Ilai Keren  
Dr. David Trimbach  
Theresa Nation  
Chris Conklin  
Dr. Ken Warheit  
Dr. Tim Quinn  
Scott Bird  
Benjamin Maletzke  
Anis Aoude  
Lisa Coffman  
Mike Livingston  
Cynthia Wilkerson  
Rod Pfeifle  
Nate Pamplin

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### **Friday, April 19, 2024**

#### **1. Call to Order**

Chair Baker called the meeting to order at 8:02am. She went over preliminary matters noting that Commissioner Myers and Rowland are attending remotely due to health-related issues. Chair Baker followed up with noting the civility protocol noting that it will be getting finalized today and up on the website soon.

#### **Commissioner's Discussion**

Commissioner Smith discussed some field trips that she'd recently made to various DFW owned properties.

Commissioner Ragen commented on the meeting coordinated by Commissioner Smith between Enforcement Staff and cougar researchers on the Olympic Peninsula to discuss conflict remediation and cougars involved in research.

Commissioner Lehmkuhl recommended several areas for residents to visit on the eastside of the state. Commissioner Rowland followed up with some recommendations closer to the area that she resides. ([Begins at 0:02:10 mark](#))

#### **Meeting Minute Approval**

*Commissioner Ragen made a motion to approve the minutes of the March 14-16, 2024 hybrid webinar, Commissioner Rowland seconded the motion, and the minutes were approved. ([Begins at 0:07:00 mark](#))*

## **Committee Meeting Updates:**

### Fish Committee

Committee members in attendance: Anderson, Linville, Ragen, Parker. The other Commission members did not attend. To review the full meeting recording for April 18, 2024, please click this [link](#).

Commissioner Anderson reported out on the North of Falcon review, Non-Native Game and Fisheries Policy, and the Fish Program supplemental budget topics included on the committee agenda. He explained the NOF meeting process and some of the work that's been done. He went over the presentation provided by Steve Caromile on the Non-Native Game and Fisheries Policy. He noted that the plan that was developed several years ago to accomplish work under that policy has been implemented, and the presentation was a report-out on that work. He informed the full Commission on the Fish Program's supplemental budget details that had been provided the day before. There was a brief discussion about budget issues, and he noted that there will be a presentation at the full Commission in June about the budget. There was some discussion around future meeting planning where he noted that the committee will receive some information about the Grays Harbor Salmon Management Policy, the American Shad in the Columbia River, and the Resident Native Trout Harvest Management Policy. He noted that the next Fish Committee meeting will be held the week prior to the scheduled meeting in June to accommodate some Commissioner schedules. Currently in the process of working out the date for that committee meeting. ([Begins at 0:07:40 mark](#))

### Habitat Committee

Committee members in attendance: Linville Lehmkuhl, Ragen. Excused: Myers. Commissioners Anderson and Parker were in attendance as audience members.

Commissioner Linville reported out on the Springwood Ranch update noting that there wasn't much new information, outside of the boundary lines and land ownership. The Habitat supplemental budget was also reviewed with very little on it. She noted that while Lands falls under the Wildlife Program, that the Habitat Committee is reviewing lands transactions due to how much is on the Wildlife Committee's plate, so the lands division supplemental budget was reviewed as well. Asks included, fire prevention and post-fire remediation. ([Begins at the 0:13:58 mark](#))

### Big Tent Committee

Committee members in attendance: Lehmkuhl, Baker, Parker, Smith. Commissioners Anderson and Linville attended as audience members.

Commissioner Lehmkuhl reported out that the Conservation Policy update was given by Chair Baker and it is still actively working through the process. We are currently trying to work the Consultation process out with the Tribes. He noted that there was a robust conversation around the Best Available Science Policy and that the Committee has recommended to postpone the decision on the policy that is scheduled for April 20<sup>th</sup> and to open the policy up for further public comment until May 11, 2024 before a decision is made on a final revised draft. The committee plans to have a final draft available at the June meeting for a decision to be made at that time. He informed the Commission about the presentation giving by Nate Pamplin and Dr. David Trimbach regarding the public comment process. He noted that the current process seems to be the best practice, so they will be diving deeper to figure out ways to refine some areas that could be improved. He also went over the presentation giving by Margen Carlson regarding the Conservation Policy Office. He noted their priorities include updating the State Wildlife Action Plan, working on Net Ecological Gain, and the Riparian Policy. Future meeting plans include continuing to discuss the Conservation Policy, the Best Available Science Policy, fostering working

relationships with all of the general public, the State Wildlife Action Plan, and discussing legislation/budget within the Big Tent Committee. Commissioner Baker followed up with the full Commission to confirm that there were no objections to postponing a decision on the Best Available Science Policy until the June meeting, and there were none. ([Begins at the 0:17:12 mark](#))

## **2. Open Public Input**

Please see the attached list of commenters. To listen to the audio please click this [link](#). Public input begins at the 0:22:25 mark.

Chair Baker thanked the constituents for staying within their allotted time to speak and expressed her appreciation of the kids that came to speak today. She also appreciated the hunter that commented and disavowed the behavior of some hunters in Wyoming and the recent events that took place.

Commissioner Linville encouraged speaker to send comments to the Commissioners via email.

Commissioner Smith thanked everyone for being courteous and respectful.

Commissioner Lehmkuhl made a general statement that the Commission is here to make tough decisions, and that the Commission is committed to maintaining the cougar populations in the state.

Commissioner Parker offered some words of appreciation to those that take the time and effort to come and speak publicly, especially the children that came to give testimony today.

Commissioner Anderson followed up requesting some further information about individuals that have gotten sick from Chronic Wasting Disease. Director Susewind noted that staff will look into it and follow up.

Commissioner Myers shared the information he was aware of regarding a few hunters getting sick and dying after consuming deer that had CWD.

## **3. Director's Report**

Director Susewind provided an updated the Commission that the Deputy Director wasn't joining because she was in Washington DC to meet with our Congressional Delegation. There was a quagga muscle meeting with the state of Oregon as part of a bi-state effort to prepare for them if they become an issue. A meeting with the Council of Regence (regional fish enhancement groups) was held to ensure our work is aligned for fish enhancement. There was a meeting with the US Fish and Wildlife Service and NRCS to discuss adapting NRCS field practices to allow for disposal/sanitation of field carcasses. Currently waiting for their proposal to describe the practice to see if it could work for us. North of Falcon meeting held to continue negotiation process. Due to conservation need, using a very conservative approach this year. Between NOF2 and Pacific Fishery Management Council, WDFW hosted an airing of the film Fish Wars, sponsored by the Northwest Indian Fish Commission, and it was watched by over 1,000 staff members. Held a hearing and finished the 3-year season setting rule. 38 permits for Harlequin Duck are going to be issued. He noted that the species isn't in trouble, but their population can only handle a small harvest. Region 6 hired a new Regional Director, Heather Hall, and her official start date is May 1<sup>st</sup>. Subhadeep Bhattacharjee was hired as the new Wolf and Grizzly Bear Policy Lead and is starting May 20<sup>th</sup>. For upcoming meetings, the Director and Wolf Advisory Group is getting together next week. The Management Team (EMT) is heading to Region 2. Annual employee awards is coming up in the near future as well. ([Begins at the 1:50:24 mark](#))

#### **4. Consent – Decision**

The Commission reviewed the petitions placed on the consent agenda by recommendation of the Executive Committee and considered voting to delegate authority to the Director to review and decide. Commissioner Baker recommended approving the consent agenda to delegate the five pending petitions listed to the Director.

Commissioner Lehmkuhl commented that the agenda is a good idea, especially for petitions. He requested some clarification of the process, because he was expecting to see a summary sheet with a staff recommendation, so the Commissioners could decide on the delegation. He noted that by just delegating the decision to the Director, they don't know the staff recommendation to the Director or how he'd decide.

Commissioner Rowland echoed the same concerns. She requested that in the future, a staff recommendation be included with the consent packet, so the Commission could make the decision to accept or deny the petitions, instead of delegating the decision to the Director.

Commissioner Parker expressed support of the consent agenda but would like a few more steps added to the process, so the Commission would receive additional information.

Commissioner Smith noted that she feels the same as Commissioner Rowland.

Attorney General Panesko explained to the Commission that most of the consent agenda is policy based. Based on statute, the Commission can delegate any or all decision-making authority to the Director. He reminded the Commission that there is running list of items already determined to be appropriate to delegate the decision-making authority to the Director. He noted that the proposal of a consent agenda was intended to assist with time management for the Commission. He further explained that if delegated to the Director and he denies the petitions, then nothing stops the Commission is preclusive. If the Director approves a petition, then almost always, it comes back to the Commission for rulemaking. If the Commission chose to keep them, then they could. They would need to create a record to show the reasoning of the decision.

Commissioner Linville commented that she was comfortable with delegation to the Director, but that she'd like to normalize Commissioners being able to share process concerns, work through that, and come out with an outcome that everyone can agree upon. She noted that she heard the concerns of her fellow Commissioners, and would like to land somewhere that would work for everyone. She shared that her hopes her comment gets reciprocated, because she has some process concerns on the Commission that she would like to work through with everyone and land somewhere that everyone is as close to a singular spot, so everyone can move forward together.

Commissioner Ragen commented that he noted some parameters needed for their decision. The first being, minimize the time spent during the meeting. The second would be the information needed to make a decision. The third is the choices that the Commission make (accept, deny, or delegate), and recommends broadening the scope. Lastly, creating documentation that justifies the decision made.

Attorney General Panesko opined that the decision to delegate wasn't a substantive decision, and it's more procedural.

Commissioner Lehmkuhl noted that he isn't against delegating to the Director. He recommended that if the consent agenda is used to delegate to the Director, he'd be fine with it, but a petition

could be pulled off of the consent agenda and added to the main agenda if a Commissioner had an issued with one.

Commissioner Smith commented that she's generally in agreement with Commissioner Lehmkuhl. She requested a brief staff recommendation to base her decision to delegate or not on.

Commissioner Rowland expressed agreement with Commissioners Lehmkuhl, Smith, Ragen, and Attorney General Panesko's comments/recommendations. She noted that even if the petitions were delegated, that the department would have to create a record to support the Director's decision. Her preference is still to have the record made by the staff, and then make the decision to accept, deny, or delegate. She's comfortable with delegating the package, and assumes that the record will be made when the Director makes the decision. She suggested that the general process in the future, mirror what several Commissioners have already argued for.

Commissioner Anderson generally supports the delegation to the Director to streamline the process. He echoed Commissioner Linville's comment that all the Commissioners feel comfortable with the process. His concern is creating more problems than simplifying them, like the Commission is attempting to do. He noted that he thought that there were different decisions to be made on each petition, and that not all of them should be denied or accepted.

Commissioner Baker noted that the Commission couldn't ask the Director for an initial decision based on the recommendations of Attorney General Panesko. She mentioned that waiting until the next meeting if a decision isn't made today, that they're running up against legal timelines by delaying the decision making. The other thing that struck her, was that through the petition process, they're circumventing the delegation process, because at least three of the petitions are something they have already delegated in the past. She was open to other suggestions as to what group makes the first sort of petitions received. She requested to know if there was anyone that objects to delegating these five petitions.

Commissioner Smith commented that she wasn't objecting, but noted that she wasn't objecting because she didn't have any basis to do so, due to not having a staff report. She stated she was comfortable here because she didn't have any information to leave her not feeling that way.

Commissioner Baker stated that they will consider these five petitions delegated to the Director and will continue to work on the process.

Attorney General Panesko recommended that the Commission not get stuck on whether they call something a consent item or not. Consent agendas are typically reserved for remedial items like approving minutes, voucher lists, etc. He recommended that items be put on the agenda with the understanding of a more abbreviated process, but they didn't necessarily have to be titled as consent.

Chair Baker noted that in the future that there are a few options. The Executive Committee could continue to review and make the recommendation to delegate or have committees review to make the decision.

Commissioner Linville summarized that she heard that most Commissioners wanted a written recommendation from staff. Commissioner Lehmkuhl agreed, and added that the Executive Committee could continue to make the first cut.

Commissioner Smith followed up stating they're making the process too complex. She suggested that the Commission receive a recommendation from staff, and then decide to accept, deny, or delegate.

Commissioner Baker said that for the next petitions received, that the Commission will wait for the next meeting, have staff give a summary, and the Commission will decide how to handle each after receiving the staff summary.

The consensus decision for the current petitions on the Consent agenda was to delegate to the Director and then the Director will report out to the Commission on his decision. ([Begins at the 2:12:38 mark](#))

#### **5. Land Transaction – Briefing, Public Comment, Decision**

Staff briefed the Commission on the acquisition on the Springwood Ranch project and requested a land transaction approval.

Public Comment: There were two people signed up to provide public comment but didn't end up attending the meeting. Ilene Le Vee questioned who would be responsible for the building components on the property. Staff replied that the buildings on the Yakima Nation property would be retained by them and they would assume responsibility for maintenance.

*Commissioner Linville moved to approve the Springwood Ranch land transaction as recommended by staff and it was seconded by Commissioner Smith. The Commission voted unanimously; motion carried. ([Begins at the 2:52:00 mark](#))*

#### **6. Timber Sale Approval: Scatter Creek Phase 3 Forest Restoration Project – Briefing, Decision**

Staff briefed the Commission and asked for a decision on the proposed Forest Restoration Thinning Project.

*Commissioner Anderson moved to approve the proposed thinning project as presented and was seconded by Commissioner Lehmkuhl. The Commission voted unanimously; motion carried. ([Begins at the 3:34:05 mark](#))*

#### **7. Managing Public Comment – Briefing**

Staff briefed the Commission on available options for managing public comments. ([Begins at the 3:48:15 mark](#))

#### **8. HPA Rulemaking for Dock Flotation – Briefing, Decision**

Staff briefed and asked the Commission for a decision on the proposed rulemaking changes related to the Hydraulic Project Approval permitting program for dock flotation. ([Begins at the 5:02:10 mark](#))

*Commissioner Smith moved to adopt the changes to the Hydraulic Code as presented by staff pertaining to lessening plastic pollution in the marine and freshwater environment and it was seconded by Commissioner Rowland. The Commission voted unanimously; motion carried.*

## **9. Cougar Rulemaking Discussion – Decision**

Staff provided further information and requested a decision from the Commission regarding the cougar rulemaking. Chair Baker clarified before the staff presentation, that the Commission was not making a decision on a cougar rule, but that they were making a decision on the direction that would be provided to staff to include in a proposed CR-102, which would then go through the entire rulemaking process.

Attorney General Panesko clarified for the Commission that one of the statutory time limits is in the petition statute, which states that petitions must be considered within 60-days of receipt, and that has already occurred here, because the Commission voted to accept the petition within that 60-day timeframe. The petition statute does not clearly dictate how long you must take in that rulemaking process. The next statutory time period that would come into play once the CR-102 is issued, then you must make a final decision on it within 180 days. If the final order isn't filed by 180 days, it'll automatically be deemed withdrawn, and you would need to restart with a new CR-102.

*Commissioner Anderson moved and it was seconded by Commissioner Linville that the Commission not direct the Department to initially any cougar rule change proposals for the 2024-2025 season, but instead continue developing hunt season options that incorporate the new science on the intrinsic growth rate for the Commission to consider for the 2025-2026 season and beyond.*

Commissioner Anderson spoke to his motion to note that it was a measured approach that is deliberate, would be inclusive, transparent, and fair. He felt it was a good process because it was open, and allowed people time to track what is going on, rather than being rushed. He felt that it was defensible process as well.

Commissioner Linville commented that this was a process issue and not a substance issue for her. She noted that she spent a significant amount of time with staff scientists to work through her own biases, and got on solid footing where she felt that she had some give, and that everyone could agree on. She felt that now, she was being asked to vote on motions she saw for the very first time last night, and from her perspective, that hasn't been the typical process and shouldn't be the process. She was prepared to be a team member and to work to find common ground, but how this has been presented doesn't work for her. She expressed her concern that moving so quickly on a motion relating to this subject, that she didn't have enough time to work through potential consequences, and that was extremely important to her. So that was why she was voting in favor of Commissioner Anderson's motion.

Commissioner Lehmkühl commented that he supported the motion both based on the reasons that Commissioners Anderson and Linville already explained. He noted that he voted yes for the petition in December because he wanted to initiate rulemaking, but didn't feel like rulemaking should be rushed into as they have been. The conversation so far has been driven by Commissioners making the rules, instead of staff working out the issues in a Game Management Plan, or a Comprehensive Plan for cougar management, and then proposing rules, and the Commission responding to them. He felt that the Commission driving the conversation and bypassing staff, shouldn't be done in this manner. He'd like to reset, get a good process, get the Game Management Plan done so the season setting is set and the rules that would come up, and that would be the proper way to do things. He felt that if a good process if followed, then hunters could be brought along, and the petitioners could be made happy as well. He went on to state that he has a substance issue as well, because he didn't think the proposed rules will be effective. He noted that pg. number 305 of the latest status and return report for cougars shows that in the last 5 years, that conflict mortality is 30% of the take. But the proposed rules don't address the conflict removal, so all they'll be doing is regulating hunting. He noted that in the last 5 years, hunting take had remained level, and had only increased 9% from the previous 5 years, whereas total

mortality had increased 39% from the previous 5 years. He didn't feel that the problem was primarily hunting mortality. He didn't feel that enough was being done to manage conflict mortality based on the proposed rules. His preference is to see a Comprehensive Cougar Management Plan that addresses conflict and how to reduce that, because a 30% conflict mortality isn't acceptable.

Commissioner Rowland commented that she both agreed and disagreed with Commissioner Lehmkuhl. She was in agreement with him in regard to needing to look at conflict removals and what the Commission/Department may be able to do about it. She is not in support of the current motion because she felt that the hunting removals needed to be addressed because the Commission could. She suggested addressing them for this year only and begin the process of addressing the conflict removals and take advantage of the additional science that has/is being developed to discuss different hunting rules for the 2025-2026 season.

Commissioner Smith agreed with Commissioner Lehmkuhl in regard to the large part of the problem of the total human caused mortality is conflict type removal and human safety issues. She stated that herself and Commissioner Ragen have taken the issue very seriously, and have met with regional enforcement staff and conflict specialists, to start that conversation to get the ball rolling. She informed the Commission that 22 additional conflict specialists are being requested the next biennial budget and feels that it's something the Commission needs to look hard at supporting.

Commissioner Linville reiterated how strongly she feels that the Commission shouldn't set a precedent for the Commission to not have a full Commission discussion before the day of the vote. She noted that there will come a time that something another Commissioner cares about that gets shoved through, without a full Commission discussion, and that it'll be upsetting. She stated this was the first time it had been discussed as a full Commission, and that this isn't the normal process. She was very concerned about what will happen in the future if this gets pushed through.

Commissioner Parker commented that he's supporting the motion. He stated that in December, the Commission voted to adopt the petition, and his understanding was that it was done to expedite the science, get the modeling done, and to start setting regulations. The piece he isn't seeing yet, is how the science is translated into a management structure. He would like to know a bit more about how the science now plays out on the landscape in terms of hunting seasons and how those are shaped. He's waiting for that conversation before feeling comfortable moving forward in rulemaking. He feels pretty unfamiliar with the process, and may be missing something, but would like to have that conversation. He felt that he was being asked to sign the contract without knowing what the terms and conditions are. He senses that there is convergence of ideas on the Commission on what need to be done moving forward regarding cougar management. He didn't feel there was clarity on how to best do that. He also shares the concerns Commission Linville has about the process step. Commissioners haven't had a lot of time to digest the set of motions that have been developed, had a Commission discussion about it, and didn't feel that was a good process for the Commission to become accustomed to. He felt that what was being proposed to do now, is being proposed out of order. He stated that a more deliberative and structured process would encourage the Game Management Plan to be in place, decide what to do regarding cougar management, and then get into rulemaking. He would like to see the Commission get into the habit of being more deliberate, forthright, and transparent in its decision process. His hope is that this motion would provide the incentive to complete the Game Management Plan to have that framework for setting seasons, cougar season specifically in this case. His suggestion is to hold off, start developing options for structuring seasons, and have the sense of what the impacts might be/where they fall.



Chair Baker commented that if the Commission was deciding on a WAC today, that she'd completely agree with everyone that's spoken. The Commission voted to open rulemaking, got a recommendation from the Wildlife Committee, had several science presentations, and felt this slight deviation is a stark difference to when they'd voted on different rules in 2020. The difference on this topic, is that it was in response to a petition. She felt that set up a winners/losers dynamic, and that the Commission needs to avoid that mentality. All the Commission is doing now is asking staff to develop a CR-102 that will go through the normal process.

Commissioner Linville requested that the Chair consider the fact that four of the Commissioners are expressing their discomfort with the process. She stated that she wasn't there to obstruct the process, or to be difficult, but that she would prefer this to be a win for everyone. She felt that the Commission could collaborate and get there on this very specific topic, but not in the current way the process is being conducted.

Commissioner Anderson expressed concerns that doing the CR-102 in a tight timeframe is driving a process that is not doable, and makes it so the Commission can't deal with it in a reasoned fashion, to the point that the Commission isn't going to be working together. He felt that the goal post was continually being moved rather than the Commission settling on what they're going to do. He felt that the best approach is to give the Commission the time and take into consideration human caused conflict removal and hunter caused mortality. Then develop a management system that goes forward respecting the Commission Mandate, constituents, the biological needs, and develop a workable package of rules that brings everyone along.

Commissioner Rowland commented that the discussion hasn't mentioned why we are where we are, and that was because the current rules were adopted during a time that wasn't a result of science, and were a result of social pressures. She questioned if the Commission is going to do continue to do what they all agreed was not based on science, but is still there, and are in the process of figuring out how to do the broad-based management that includes conflict kills, hunting, etc. She reminded everyone that this is going to be for one year, and that we have been working under a management scheme that wasn't built based on science, and that the conflict kills have gone up tremendously. She felt that we needed to deal with this quickly, so it isn't a regular process motion. All we're doing today is voting to start the process.

Commissioner Lehmkuhl requested Chair Baker clarify if the terms of the CR-102 simply the issues that have been brought forward in the petition in the alternative motions, or do staff take those as sort of the baseline, and then create other rules that address conflict or any other issue they think is important. He didn't feel that he'd heard enough from staff about what they felt was important to include.

Chair Baker replied indicating that she hoped the Commission would hear more about that if they proceed through the motions. She added that she wasn't sure about the first motion. The second motion, after the Commission decides this, deviates from the petition that was given to the Commission. The Commission could add or subtract, based on public input provided to the Commission, as necessary for the final CR-102. She noted the cougar conflict rules are set out on a different WAC, and the Commission hasn't gotten to that yet. She expects that will be an area of focus in the next few months, but the Commission can't add a whole lot regarding cougar conflict, because it has its own WAC.

Chair Baker requested a roll-call vote on Commissioner Anderson's Motion:

- Commissioner Rowland – No
- Commissioner Myers – No
- Commissioner Parker – Yes
- Commissioner Anderson – Yes
- Commissioner Smith – No
- Commissioner Lehmkuhl – Yes
- Commissioner Linville – Yes
- Commissioner Ragen – No
- Commissioner Baker – No

*Total Count 5-4 not in favor; motion fails.*

*Commissioner Ragen moved that after the full consideration of the relevant science, to direct staff to develop a CR-102 to amend WAC 220-415-100 related to cougar management using the following direction:*

- *The cougar hunting season will begin September 1 and will end March 31.*
- *A cap on total human-caused mortality per Population Management Unit (PMU) will be set at the population growth rate of 13% of the estimated population of independent-aged cougars in that PMU, which shall be determined based on the statewide density estimate (currently 2.3 cougars per 100 km<sup>2</sup>).*
- *Once known human-caused mortality of independent-aged cougars reaches the cap, a PMU will be closed to hunting with a 48-hour notice. If the cap is reached prior to the start of the hunting season, that PMU will not open to hunting that season.*
- *Based on the recommendation of the department cougar specialist, managers may close hunting in any PMU prior to the cap being reached, upon consideration of factors such as disease, suspected additional mortality, or any other issue affecting the cougar population.*

*And it was seconded by Commissioner Smith.*

Commissioner Ragen spoke to his motion stating that he's listened to the discussion today and disagreed with a number of points. Several meetings have happened since they decided on accepting the petition. He felt it wasn't an ordinary petition, because it laid out a lot of details, much of which the Commission is still considering. He echoed the statement of Commissioner Baker, in that the Commission is still in a process that isn't ending with this meeting, and that the Commission is just talking about the preparation of the CR-102. He doesn't feel like it's something that has just been dropped on the Commission. His secondary concern is that the Commission hears concerns from hunters, people involved in conflicts, but the cougars are rarely put up in front. His interpretation of the mandate is that the Commission is supposed to ensure that the population is healthy and not threatened by human activity. While he does appreciate all the information provided by the scientists, he doesn't feel the information adequately characterizes the status of these populations with confidence. He doesn't think the information describes the risk to the population if the mortality rate exceeds 13%. He's asking the Commission to put themselves on a sound biological platform, where they review the population numbers, the parameters as we best understand them right now, and acknowledge that in certain areas there is overharvesting, and identify what is causing that overharvesting. He suggested to take into consideration what happens to a female's kittens if she is killed and how many animals are being poached. His hope is that by the Commission setting themselves on a sounder biological platform, that they can step back and ask themselves what information do they need to know to make better decisions? He feels that doing this will give everyone the confidence to say that things are under control for this topic. He stated his isn't out to remove all the hunting, but he is out to be on a solid foundation

regarding how the Commission manages populations. He feels that until some of those questions are resolved, that the Commission's obligation is to act cautionary.

Commissioner Baker stated that she was going to break protocol and propose an amendment to Commissioner Ragen's motion. She stated that normally the process would be for a Commissioner to present their motion, the discussion would be tabled, an amendment would be taken up, see if that passes, and then have discussion on the final motion.

Commissioner Linville stated that last night was the first time she'd seen the motion and that was the space of time she's had to consider it. She also stated that when she heard fellow Commissioners having concerns over the consent agenda earlier in the morning, she heard it, and discussed it until they were comfortable. She felt like her willingness to collaborate on this and her willingness to work together, gets eroded when four Commissioners are disregarded about their uncomfortableness. She further stated that they're supposed to be a team, and four of the nine are expressing discomfort, and she felt that should be acknowledged.

Commissioner Parker echoed Commissioner Linville and stated he had concerns that a proposed motion was voted down that would provide time for the Commission to converge on a consensus position. Instead now, a motion is being considered that essentially is vote counting, so if you have the votes, you get the motion through. He noted that he didn't feel it was a good way for the Commission to operate in the future. He felt that they'd heard very clearly from the science staff that this wasn't an emergency that required immediate action, and it was troubling to him that the Commission is resorting to just pushing through a motion that has a narrow majority.

Chair Baker commented that she was going to combine her motion with her comments, and would like to invite both science and policy staff to comment after the motion if they see anything that is disagreed by science, but also wasn't fully supported by it. She went on to state that this wasn't a surprise because most of these were part of the Wildlife Committee recommendation, so they have heard this before.

Commissioner Linville replied that this hasn't been heard at the full Commission, that the full Commission hasn't heard this before, and that the previous statement was a lie.

Commissioner Smith stated she did present this at the full Commission.

Commissioner Linville stated that the whole Commission hadn't discussed this yet.

Chair Baker stated she was going to continue with her amendment.

*Chair Baker moved and it was seconded by Commissioner Smith that after full consideration of the relevant science, to direct staff to develop a CR-102 to amend WAC 220-415-100 related to cougar management using the following direction:*

- *All independent-aged cougars shall count towards the total cougar mortality cap.*
  - She spoke to this point stating this had been a suggestion in three of the last four periodic status reviews for cougars and has been a conclusion in terms of future management considerations in three published peer reviewed papers since 2016. She didn't think that anybody would disagree with this.
- *The cougar hunting season will begin September 1 and end March 31.*
  - She spoke this point stating that this cuts off April and the two-season process, that has also been a recommendation of science staff for many years.

- *The cap will be determined based on the best available estimates of cougar density and growth rate; currently those parameters are estimated at 2.3 cougars per 100 km<sup>2</sup> and 1.13 intrinsic growth.*
  - She spoke to this point stating this is the same thing the Commission has been discussing, which Donny and his staff presented today. She went on to state that the season will be developed using 2.3 cougars per 100km<sup>2</sup> and 1.13 intrinsic growth. She elaborated that this is a little different than what Eric and Anis have suggested, which would go from 10-16 and have a range in there. If that was an amendment, she'd be willing to consider it. 2.3 cougars per 100km<sup>2</sup> will certainly increase the number of cougars that can be killed in some PMUs as Anis said the other day.
- *All human-related cougar mortality (including harvested cougars, cougars killed to resolve conflicts, and any other form of human-caused cougar mortality) shall count toward the total cougar mortality cap.*
  - She spoke to this point stating that this again, has been recommended by our science team in the status and trends reports in three of the last five, and in peer reviewed papers. She offered to show anyone what she was talking about if they wanted to review it.
- *Based on the recommendation of the department cougar specialist, managers may close hunting in any PMU prior to the cap being reached, upon consideration of factors such as disease, suspected additional mortality, or any other issue affecting the cougar population.*
  - She spoke to this point stating that since her amendment deviates quite a bit from what Commissioner Ragen made, that if there's a reason that cougar specialists decide to close a PMU prior to a cap being reached, that it was fine, and that it just needed to be figured out and done. This section gives them license to do that.
- *In PMUs where the combined cougar mortality meets or exceeds 20% of the population prior to September 1<sup>st</sup>, the season shall remain closed. Additionally, if opened, the season shall close automatically within 72 hours of that number being reached. This section will sunset at the end of the 2024 season.*
  - She spoke to this point noting that this is where she significantly deviates. This section considers that the Commission doesn't know everything they need to know about the NE or if there is social disintegration happening. What was heard today, is that there are some PMUs in the NE that are approaching 40%. What was heard last time Dr. Martorello spoke, there were PMUs that ranged between 24%-36% of the population being removed. That wasn't for one year, but the last five years. So those PMUs are being pounded. She noted her concerns about conflict, and thinks that one of the things that needs to be paid attention to, since cougars are managed on a PMU basis, is that if the problems being had can be fixed, such as removing 24%-36% of cats in a certain PMU, and have increasing risk of destabilizing the population if this continues, and that 27% is the magic number and when it happens. For just this next season, while the Commission figures this out by working together, this amendment when the combined cougar mortality meets or exceeds 20% of the population prior to September 1<sup>st</sup>, the season will remain closed, and if the season is opened, then the season will close automatically within 72 hours of when that number is reached. She reiterated that this section will sunset, and this is simply a trigger so there is no confusion, and so the population has some protection in those PMUs. She finished by saying that every part of her motion, outside of the last section, is well supported by the science that's been presented, the periodic status reviews that come out each year, and peer reviewed/published science.

Commissioner Baker made the offer that if there was anyone wanting to be involved on a more day to day basis on trying to develop these things, to do the right thing for the cougars & ranchers, the environmentalists, etc. as these are being developed, she encouraged those people to reach out and express interest to the Commission.

Commissioner Anderson stated that he can't express how much this was a backwards approach. He felt that if the Commission has these kinds of ideas, then the staff need to be involved. He felt that the Commission is instead directing without having a fundamental knowledge and giving direction based on biases. He felt that much of what was said with regard to social disorder, population, and the like – He didn't feel he heard that at all. He expressed his concern with this type of approach. He explained that he made the motion he did so the Commission could take the time and engage with staff. He felt it was a big mistake to go down this path.

Commissioner Lehmkuhl requested clarification of the parliamentary procedure because a motion was made by Commissioner Ragen, then Chair Baker made an amendment to the motion that was basically a replacement motion. He wanted her to clarify if she was amending or substituting Commissioner Ragen's motion.

Chair Baker replied that it was a substitute motion, and that if it passes, then there will be a final vote on the motion.

Commissioner Lehmkuhl questioned that if the amendment was passed, and then the motion was passed, where they would be at?

Chair Baker clarified that if the substitute is passed, then it is the original motion, and that would be what is voted on.

Commissioner Smith commented that she wasn't sure if a vote needed to be taken if the substitute motion was passed on the first vote the Commission takes.

Attorney General Panesko clarified that it's a technicality, but yes. The first vote would be to substitute it. Once substitute, then you would take a final vote on it. If the substitute was voted down, then you'd go back to Commissioner Ragen's motion.

Chair Baker pointed out that the difference between this and Commissioner Ragen's motion, besides the 20%, is that the 20% is instead of closing seasons when the cap is reached under the analysis that's done with the 2.3 cougar/100km<sup>2</sup> and the 1.13 intrinsic growth rate, is that his motion closes seasons earlier than what was currently up for the Commission.

Eric Gardner requested clarification for understanding. He stated that when himself and Chair Baker first dialogued around the 20%, a range was part of the concept. His thought process at the time, was that they were talking about a season that would be established with a lower and upper end. The discussion was that at the lower end, you would then consider conflict removals and decide if the season should remain open or not. He asked if the 20% would be an idea, that like no matter where they were at in that process, even if they were below the lower end, the 20% be a meaningful figure and the season would be closed. His question was, if the intrinsic growth rate is set at .13, so it's a single number (13%), and it includes all forms of human caused mortality, how would you get to the 20% in this scenario? It was a functional element in the range when they were thinking about what would potentially close a season either before or during that range in that window, but if that window is solid and set at .13, including all forms for mortality, then it would be stopped at 13%.

Chair Baker replied stating that Eric had recently suggested that instead of 1.3 as a pertinent number, going back to the range of 10%-16% or 1-1.6, which is what has been considered the gold standard for an intrinsic growth rate. If that works better, she would be fine on the spot to amend her substitute motion.

Commissioner Ragen commented that he wants everyone to realize that confidence limits are not a good basis for management. Confidence limits are often a function of study designs and the data on hand. If a poor study is done, then you end up with really wide confidence limits. Does that mean you give yourself more latitude because you have wide confidence limits. He felt the best estimate, that has been a lot of work by the scientists, is that 1.3 is the best thing we have. The confidence limits give us a sense of how confident we can be in that 1.13, but that is our best estimate of what cougars can tolerate at that density. He's arguing that the Commission should try to hang onto that. He went on to say that it becomes an effort to satisfy our needs at the cougars expense.

Chair Baker commented that this is where the Commission gets into the weeds and she is attempting to stay out of the weeds. She stated that Commissioner Ragen's motion closes seasons at 13%, and hers closes them at 20%, so that's the difference.

Director Susewind was stated that he was trying to get his head around this whole thing and was in a bit of disbelief. He went on to say that this conversation is exactly why we don't do things like this. He cautiously stated that this is the first time that the Commission had dictated the content of a 102 to be going out. He stated that it's certainly the Commission's prerogative, but he doesn't believe it has typically been done, especially with the level of specificity. He mentioned that they're down to 1.13. On the fly, they're possibly going to switch it to a range because it fits. It's his opinion that these are the kinds of things that deserve a better process, and we're trying to do this in one meeting.

Commissioner Smith began to interrupt Director Susewind. Director Susewind requested that he be allowed to finish his statement, indicating that Commissioner Smith has done this many times. Commissioner Smith replied stating that this was the Commission's deliberation. Director Susewind noted that he was called on by the Chair, believed that he had the opportunity to speak, and he's the representative of the agency. Director Susewind went on to say that this was part of the problem, because Commissioner Smith is trying to go her direction despite where the agency wants to go, and if the agency doesn't say what she wants to hear, then she doesn't want to hear from them. He stated that this is a problem, that this is the first time they've dictated a 102 to staff, and the Commission can do that. But the decisions are being made on the fly. He stated he hasn't seen this and believes that the motions have been worked on at lunch, and in one meeting they're going to be making these decisions. He wanted to make it clear that this process is completely countering what has been done in the past. He said he's really struggling with how there's so much disparity and views on this, makes this the time to have a good process, and anybody that thinks this is a good process, has a much different mindset than he does.

Chair Baker responded that the comanager hatchery policy, the regular hatchery policy, and many other policies have had the Commission note to staff what they wanted to see in the CR-102. She agreed with the Director that amendments on the fly are a bad idea, but they're just trying to get something to start with, and are all ears about what they finish with. She also stated that she didn't think they'll finish with anything that looks like this.

Commissioner Linville stated that she would implore the Commission to think and ask themselves if this is going to build trust with the public, or this going to cause a firestorm that they're about to step into. She believes this will cause a firestorm, and for the first time, she's going to really

understand why the public doesn't trust the Commission. She felt that she just got completely disregarded when she shared that there are four Commissioners that aren't comfortable, and they are just getting steamrolled. She stated that the other Commissioners aren't going to like the reaction of the public, and she didn't feel that this was good governance.

Anis Aoude requested some clarification. He stated that the substitute motion that was just up on the screen, looked identical to the one Commissioner Ragen made, which means that we'd never get to 20%, so that last bullet is needless. He stated that the season would close at 13%, and therefore never get to 20%. He was wondering why there was conversation happening about 20%.

Commissioner Smith stated that she thought, and requested that Anis correct her if she's wrong, that this was to look at PMUs that would have closed prior to the season opening, because they exceeded the 13%. So they would remain open up to 20%, and requested that Chair Baker confirm her interpretation, to which Chair Baker confirmed.

Anis replied stated that's not what bullet three said. It said that units will close and everything will be included at 13%.

Chair Baker clarified that bullet three said nothing about closure. Anis replied that he couldn't see the motion anymore, but that there was one that said the parameters would be set at 13%, including all mortalities.

Commissioner Ragen stated that his understanding was that this was a response to concerns that a number of PMUs wouldn't open for hunting and that this was an amendment that said in those cases where that's the situation for 2024, we will allow hunting to occur up to 20%. But it was for those cases in 2024 only and it was a transition.

Anis restated to the Commission that what they're intending to say is that if a unit closes before September 1, that it would be extended to go up to 20% and Commissioner Smith confirmed that he was correct. Anis noted to the Commission that it wasn't clearly stated in the way it was written.

Chair Baker requested that staff assist with the language, so it is clearly stated. Anis again restated to the Commission that if a unit closes before September 1, like if it reaches 13% before September 1, then it would be kept open until it hits 20%. Commissioner Smith and Ragen confirmed he was correct. Anis confirmed that he now understood the Commission's intent, and felt he may have misunderstood it when he initially read it just now, because it was the first time he'd seen it and hadn't had time to digest it.

Commissioner Rowland commented that she had the same concern because the first sentence of the last bullet made sense if it was 20% before the season opens, then the season doesn't open. She felt the second sentence was what was confusing, because it said something about when it reaches 20% that it will close. She felt that she thought this would work ok, and they'd need to change some of the verbiage so it's clear. She went on to say that in terms of the process they're going through, she didn't know if there was ever going to be a time when all of the Commissioners agree. She said they could talk about all the issues for an entire meeting over several meetings, and that everyone will still have different viewpoint. The fact that they all don't agree on this one, especially since this is just the opening, everyone can suggest changes. At this time, they're not adopting a rule, they're adopting something to start the discussion with. She noted it will have to go fairly quickly, because they want it to apply this year, and it's tough because it's a shortened year. She felt it's important and that the Commission will have time to change it. She didn't feel they were ignoring or disrespecting the fact that four members are uncomfortable. She

encouraged Commissioners to not vote for it as a rule if it comes up and looks like this at the end of the process, but this was just the beginning of that process.

Commissioner Smith stated that she thought that the Commission has had a lively discussion. She felt that the substitute should be clarified and then the Commission should vote on it. Eric stated that he felt that staff could characterize Chair Baker's intent.

Chair Baker requested that Eric could explain the pieces of the motion that the department would be comfortable with including in a CR-102. Eric replied that he'd do his best. He felt that the agency's position is that their comfort level would be to have the full process, as was in the initial recommendation for the denial of the petition. However, when staff sat down and talked about some of the pieces that there was potential to get some support across multiple Commissioners, there were a few places staff put forward, but that didn't result in anything. He stated he'd attempt to touch on those as they go. He restated to the Commission that his interpretation of the third motion, is essentially motion two that sets seasons by existing numbers at .13 based on density, there are numbers and either the season is open or closed, and once you get to that number it's closed. Motion three he'd call a stretch goal, meaning that in the places where a season wouldn't open because we already got to 13% or beyond, the new target for that season would become 20%. Essentially the season would open, but any type of human caused mortality would be added to where they were at, then the season would close when we get to 20% or above. It's a way to ensure that seasons aren't just automatically closed at the onset and could provide some opportunity to get to the 20% mark. That 20% mark could be hit with conflict removals, so staff would be monitoring that. He requested confirmation that his interpretation was accurate, to which Chair Baker confirmed.

Deputy Director Windrope requested that Chair Baker clarify if the entire third motion was for one year, to which the Chair clarified that the 20% portion of the motion is for one year and the rest of it would be an ongoing rule.

Commissioner Smith commented that interestingly enough, that during the comment period when they received almost 4k comments, that across the board the Commission was asked to not put a year mark on it. She heard from the hunting community that they were concerned that a future Commission could use that to end cougar hunting completely, because it would sunset on the year mark dictated, and wouldn't get renewed. The other side of the equation were saying that they weren't against making changes to this, but we don't want to specify when the change would come about. If new science came about, then make the change at that time, or in response to the Game Management Plan, do it then. Nobody wanted an end date put on it from what she'd heard.

Chair Baker replied stating that what Commissioner Smith said was a good point. She went on to say that there are several things in the petition that aren't included somewhere else.

Anis stated that from the department's and his perspective, that it would be best if this was an interim, because they're working on more nuanced frameworks that would include all of this stuff in a way that would still provide opportunity, which is why staff asked the Commission to wait for staff to get there. But if staff haven't been able to get there yet, they would like this to be a bridge until staff can get there, instead of a rule from this point forward. He went on to say that he would be good with a one year recommendation, because they are working on stuff to bring to the Commission for future years that would get them to a better place.

Chair Baker responded stating that's exactly why the one year was included in these.



Commissioner Myers commented saying that this is rough and that he felt that he's a junior Commissioner. He continued saying that Commissioner Linville's feelings are her feelings, along with Commissioners Anderson, Parker, and Lehmkuhl. He went on to say that it seems to him that the process isn't smooth, even some of the things here. He stated he's been close to the science committee, so he's very comfortable with the data, the estimates of lambda and the validation there. But he felt they needed to find ways to bring everyone else along. He was also very concerned about how this was going to impact opportunity to hunters. He didn't think there was a hunting problem with cougars, but a damage control problem, and that seems to be what drives them in most of these PMUs above that threshold. He hopes that the Commission looks at that down the road. This conversation kicks off the process, and the thought that was great. He concluded by stating that for those that question the science here, that in his mind, the 13% is pretty darn solid. If the Commission's intent is to manage for social stability, and this isn't anything new within the agency, that this was at the core as to why the Commission went to spike only in Elk in Eastern Washington was for Elk breeding population stability. Basically, he supports the substitute, especially the 20% leeway, but that he doesn't want to forget about the hunters, and let's see what the Commission can do about the damage situation in the future, and restore that where they can or maintain the opportunities there. He would like to figure out a way to bring everyone along in that process.

Chair Baker requested a roll-call vote on her request to substitute Commissioner Ragen's motion:

- Commissioner Rowland – Yes
- Commissioner Myers – Yes
- Commissioner Parker – No
- Commissioner Anderson – No
- Commissioner Smith – Yes
- Commissioner Lehmkuhl – No
- Commissioner Linville – Abstain
- Commissioner Ragen – Yes
- Commissioner Baker – Yes

*Total vote count 5-3 with 1 abstained in favor; motion carried.*

Director Susewind requested clarification based on the fact that the substitute was what just passed, but that there was a lot of verbal discussion around what that really meant. He wasn't quite sure if it was the substitute motion, or the substitute motion that was amended by the verbal that wasn't written up.

Chair Baker clarified that it was her take that the Commission passed the motion as written, but as a Commission and certainly as a Commissioner, that they're more than willing to work with staff to make it make sense when developing the CR-102, as they didn't dictate the wording for that specifically. The motion was supposed to be direction and guidelines.

Commissioner Parker explained that he wanted to point out that as part of his vote, that he is concerned that the one-year sunset essentially based on the discussion had today, that those of the Commission in the minority of this motion, are likely to be negotiating with a gun to their head in a year when the issue has to be taken up again. The alternative is no season, no rule if it sunsets in a year and something isn't in place.

Chair Baker replied that she's completely certain that when they get to adopting the rule, that it

won't look anything like what was proposed today. She said she didn't know what it would look like, but that they couldn't be talking about what's going to happen in a year because they don't know what's going to happen in 60-days from the time they get a CR-102. The point of the year was to give the Commission leeway to work through those issues, rather than to put a gun to anyone's head.

Commissioner Linville asked why if it doesn't matter then why there had to be that much specificity in the motion language if its just broad guidance, then why was it so specific.

Commissioner Baker responded that when she wrote this motion that it was several single-spaced pages long, and was proud of herself to get it down to bullets. She felt it was less specific than what she'd started with. She went on to state that we tried to make it really clear for Commissioners to see the difference in the substance of the motions, that originally there were three motions, but one got withdrawn, so that we could all each see the difference. So this was as distilled as she could get her motion.

Chair Smith asked a parliamentary question of Attorney Panesko. Her question was that they'd just voted to accept the substitute motion, and if that's the one they want to stand in its entirety, then the Commission wouldn't vote for the first motion.

Attorney Panesko replied that Chair Baker's motion to amend functioned as a substitute, so it replaced Commissioner Ragen's motion. He continued stating that the first vote was merely to accept Chair Baker's motion to amend, so they had one more additional parliamentary step to actually adopt that new thing, which is sort of a perfunctory exercise given the nature of the discussion heard, but it's still a technical parliamentary step to complete here.

Chair Baker requested a roll-call vote on the substitute motion:

- Commissioner Rowland – Yes
- Commissioner Myers – Yes
- Commissioner Parker – No
- Commissioner Anderson – No
- Commissioner Smith – Yes
- Commissioner Lehmkuhl – No
- Commissioner Linville – Abstain
- Commissioner Ragen – Yes
- Commissioner Baker – Yes

*Total vote count 5-3 with 1 abstained in favor; motion carried.*

Chair Baker commented that the motion carried, that there will be many more discussion on this, and if anyone wants to be involved in the conversations to let Anis and Eric now, as that would be the best conduit for involvement.

Commissioner questioned why this isn't being talked about as a full Commission, and why Commissioners are having to go outside of school so their viewpoints shared? Chair Baker responded stating that if there was any confusion, that would be where you'd go.

Commissioner Linville replied that there wasn't confusion, and that was her point, and that she didn't disagree with most of the bullet points. What she's trying to say is that the full Commission isn't addressing this. Chair Baker stated that as of now, the full Commission has. Commissioner

Linville responded that the full Commission was just told to scurry off behind closed doors with staff.

Chair Baker stated that staff are going to take this to develop it into a CR-102, and then it will come back to the full Commission. If there was input, questions, or comments, then it needed to be directed to staff. She ended by stating that the Commissioners are already getting emails about how conflicted they are.

Commissioner Linville followed up stating that was exactly what she was trying to help avoid by sharing the discomfort. She went on to say that there is conflict because Commissioners are being left in the dark, disregarded, and trust is eroding. She tried very hard to help the Commission out of that space, because she didn't disagree with very many of the bullet points, and could have gotten a long way towards that, and it would have been a collaborative effort.

Chair Baker stated that the Commission has the opportunity to translate the agreement into the bullet points into rulemaking, which starts when the Commission gets the document back from staff.

Commissioner Smith commented that she's comfortable dealing in a democracy in a democratic process, which is basically where the Commission is. There won't always be agreement, but she hopes that they always respect each other's point of view and listen to each other carefully. But she wasn't disturbed a 5-4 vote that goes either way, and thinks that on a lot of topics, that to happen. It doesn't mean to her that she's been dissed or not listened to, and that she listened, but in the end a decision needs to be made and the Commission won't always agree. She added that she respects every one of the Commissioners, listened to them, would hope for the same in return. She noted this was a difficult vote for everybody, emotions were running high, but in the end a decision was made and that the Commission is just at the very beginning of the rulemaking process.

Eric requested to ask a quick process question for understanding. He said he heard her use the language that staff would develop a CR-102 and bring that back to the Commission. The staff needed to develop a CR-102 and file it to meet their timeline, so when she says to bring it back to the Commission, she's meaning that it would invoke the process that would begin the rulemaking around, not to add an extra step. Chair Baker confirmed that was correct. ([Begins at the 5:11:32 mark](#))

Chair Baker recessed the meeting at 5:12 p.m.

### **Saturday, April 20, 2024**

Vice-Chair Ragen called the meeting to order at 8:00am and reminded everyone again that the Executive Session on the agenda was cancelled.

### **10. Open Public Input**

Please see the attached list of commenters. To listen to the audio please click this [link](#). Public Comment begins at the 0:00:51 mark.

Commissioner Smith commented that the good news she heard out of the comments that maybe where there are some fertile ground is that we're killing too many cougars due to conflict situations, and she thought it could be in part due to the fact that we're airing on the side of what is actual conflict. So she felt that was an area that the Commission can work with staff to understand how those decisions are made now. re there more opportunities for using non-lethal

deterrent? She noted that there is a request for 22 additional conflict specialists in the next biennium budget. She felt that was a bright spot, but it was an area that needs some more focus. The less cougars killed due to conflict means more cougars available to hunters. ([Begins at 1:07:51 mark](#))

Commissioner Lehmkuhl commented that several people mentioned the science policy, and didn't believe there would be discussion on it today, because it has been postponed. He just wanted to mention that if someone planned to comment on it, the most useful comments that could be provided, would be those that provide commentary to explain their suggestion. Without that, then Commissioners have to interpret why the suggestion was made. ([Begins at 1:09:12 mark](#))

Vice Chair Ragen stated that he wanted to go back to what Commissioner Smith commented and stated that normally what he'd like to see in a situation like this, would be the next step would be to step back and develop a research plan that gets to all the points and questions that people are raising. It helps to identify how those can be resolved and the direction they should be going. He expressed that he felt with an agency of this size and budget, that research is resource constrained and there isn't enough for them to do the things he'd like to see done. He questioned how they should do that to unravel some of these questions and have everyone benefit from better information. He wants to have a plan that everyone can see so they know what will unfold to carry out that research and how that might lead them to a different management regime. ([Begins at 1:10:14 mark](#))

Commissioner Baker commented that she agreed with some of the points that have already been made. She stated that there are some places that there is strong agreement, both with the interest groups, and within the Commission. She acknowledged that one of the main difficulties that has arisen is conflict. It can be looked at different ways, but every animal forced to be killed, is less animals that are available for hunting. She felt that there was firm commitment on the part of the Commission and the agency to dig a lot deeper into that. She also felt that the other area of agreement was that decisions should be made based on science. Going forward, the Commission has given some criteria for a rule, which will be coming out. She went on to say that the motion passed yesterday was supposed to be a compromise. She thanked everyone for their input. ([Begins at 1:11:55 mark](#))

### **11. Best Available Science Policy – Decision**

This was struck from the agenda to allow additional time to receive public input. It has been moved to the June agenda for a decision.

### **12. Annual Wolf Report**

Staff briefed the Commission on the 2023 Annual Wolf Conservation Management Report. ([Begins at the 1:53:35 mark](#))

### **13. Meeting Debrief and Future Meeting Planning**

Deputy Director Windrope reviewed the tasks from the meeting over the last few days ([Begins at 1:21:27 mark](#)):

- Consent agenda delegated 5 petitions to the Director and requested a report back on his decisions.
- Land Transaction was approved for Springwood Ranch with no additional tasks.
- Managing public comment – continue to work with Big Tent on best practices as staff develop them
- The Flotation HPA Rulemaking was approved with no additional tasks.
- Cougar Rulemaking – Directed staff to post the CR-102 by May 1<sup>st</sup>. The next time it will come in front of the Commission will be for Public Hearing at the June meeting with a

decision at the July Webinar. She noted that the webinar isn't the place for public comment, so that will happen at the June meeting.

- Best Available Science – will request input from the Washington Tribes prior to posting for the general public. It will be back in front of the Commission at the June meeting during the Big Tent Committee. The new draft will be up for endorsement at the Committee, for a vote at the June meeting.
- Commissioner Smith commented that her and Commissioner Lehmkuhl had a discussion about putting in a blue sheet for an initial overview of cougar conflict response.
- Vice Chair Ragen commented that the Fish Committee meeting date would need to be updated per Commissioner Anderson's request the day before for the June Meeting.
- Commissioner Smith provide a reminder that the Wildlife Committee is continuing to work on the Game Management Plan. They're working on plans as to when/how the Commission will receive an update.
- Vice Chair Ragen requested that presentations be turned into Commissioners for review sooner than later in the future so Commissioners can properly review them.
- Commissioner Smith requested an update from Eric Gardner on getting an update on Black Bear Science in May. He anticipated that it could be given an upcoming Wildlife Committee meeting.
- Commissioner Smith also commented that her hope is to have the Game Management Plan adopted by the end of the year.
- Commissioner Rowland requested some clarification between the wolf report and the upcoming PSR in June. Eric clarified that the Commissioner requested the opportunity to hear the wolf report today to see if any of the information would play into their decision that is due in July.

#### **14. Executive Session**

This Commission went into Executive Session on 11:18am

The Chair adjourned the meeting at 12:57pm.

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Jamie Caldwell, Executive Assistant

Agenda Item #2 – Open Public Input – 4/19/24

In-Person	Zoom
<ol style="list-style-type: none"> <li>1. Ann Prezyna</li> <li>2. Josh Rosenau</li> <li>3. John Rosapepe</li> <li>4. Eric Lagally</li> <li>5. Hannah Thompson-Garner</li> <li>6. Mandy Carlstrom</li> <li>7. R. Brent Lyles</li> <li>8. Lynn Okita</li> <li>9. Liz Carr</li> <li>10. Clarence Rushing</li> <li>11. David Linn</li> <li>12. Oliver Rosenau</li> <li>13. Josh Caple</li> <li>14. Claire Loeb Davis</li> <li>15. Bob McCoy</li> <li>16. Jeremy Franz</li> <li>17. Dnitra Ayers</li> <li>18. Roxane Auer</li> <li>19. Naomi Dietrich</li> <li>20. Chelone Martin</li> <li>21. Jeremiah McCord</li> <li>22. Yves Martin</li> <li>23. Emory Milbourn</li> <li>24. Destry Wilcox</li> <li>25. Robert Kruse</li> <li>26. Courtney Kelly</li> </ol>	<ol style="list-style-type: none"> <li>1. Dane Czarnecki</li> <li>2. Kelsey Ross</li> <li>3. Adrienne Dorf</li> <li>4. Lorelei McFadden</li> <li>5. Susan Kane-Ronning</li> <li>6. Alice Zelman</li> <li>7. Douglas Boze</li> <li>8. Rachel Haymon</li> </ol>

Agenda Item #5 – Land Transaction 4/19/24

In-Person	Zoom
	<ol style="list-style-type: none"> <li>1. Ilene Le Ve</li> </ol>

Agenda Item #10 Open Public Input – 4/20/24

In-Person	Zoom
1. Clarence Rushing 2. Jerry Lowdermilk 3. Mike Herz 4. Claire Lobes Davis 5. John Rosapepe 6. Liz Carr 7. Pat Bossard 8. Robert Kruse 9. Mandy Carlstrom	1. Kelsey Ross 2. Josh Rosenau 3. Ronald Reed 4. Susan Kane-Ronning 5. Rachel Haymon 6. Kirby Wendt 7. Patricia Arnold 8. David Linn 9. Gabrielle Gilbert 10. Ryan Garrett 11. Dale Magart 12. Amaroq Weiss 13. Ken Coleman 14. Ann Prezyna 15. Judith Akins 16. Ben Rusch 17. Tiffany Kumar

DRAFT