

**7. 2012-2015 COUGAR SEASONS AND REGULATIONS – RULE BRIEFING
AND PUBLIC HEARING**

TABLE OF CONTENTS

	<u>Page</u>
Decision Page.....	<i>i</i>
WAC 232-12-243 Public safety cougar removals	1
Summary of Written Public Input.....	8
WAC 232-28-297 2012-2013, 2013-2014, 2014-2015 Cougar hunting seasons and regulations...	9
Recommended Adjustments to WAC 232-28-297	13
Summary of Written Public Input.....	14
Repealer	17
CR 102	18

“GREEN SHEET”

Meeting: March 9-10, 2012

Agenda Item 7: 2012-2015 Cougar hunting seasons and regulations and public safety cougar removals – **Rule Briefing and Public Hearing**

Prepared By: Donny Martorello, Ph.D.

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

Background:

Department staff will brief the Commission on trends in human-cougar conflict and results from recently completed cougar research projects. Staff will describe of how the results from these topics are incorporated into the Department’s cougar management strategies. Department staff will also brief the Commission on the proposed adoption of WAC 232-28-297 2012-2013, 2013-2014, and 2014-2015 Cougar hunting seasons and regulations; and the proposed amendment of WAC 232-12-243 Public safety cougar removals.

General Cougar Hunting Seasons:

The impact of hunting on cougar populations has been historically evaluated using harvest data as population indicators. As cougar research information started becoming available in 2003, the Department has slowly shifted away from using only harvest data to using actual demographic data and population models to evaluate populations. Since that first published cougar study by Washington State University (WSU) in 2003, the continued combined research efforts by the Department, WSU, and University of Washington has put Washington State at the forefront of cougar research and progressive management.

Research findings have now evolved to the point where there is a harvest rate guideline to help managers achieve population objectives. Research findings have also increased our understanding on the territoriality of cougars, and how the size of a hunting unit (combined with harvest) relates to landscape-scale territory and population structure. Based on these research findings, the Department is using a new harvest guideline and revised population management units (PMU) for managing cougar harvest opportunity.

Recommendation - The Department manages for stable cougar populations in all areas of the state, except the Columbia Basin and Puget Sound areas (Game Management Plan 2008) where the habitat is not suitable for cougar. To achieve that objective, the Department’s recommendation is a 12-16 percent harvest rate guideline applied to 49 PMUs (not applied to Columbia Basin and Puget Sound units). The Department is recommending two any weapon general seasons: an early season from September 1 to December 31, followed by a late season from January 1 to March 31. Each PMU has a harvest guideline (of all harvested cougars) that corresponds to a 12-16 percent harvest rate. Only harvested cougar count toward the harvest guideline. If a PMU harvest guideline is reached during the late season, the Director (under existing Director authorities) may close the season. The cougar season would not be closed in any PMU during the early season, even if the guideline is reached prior to January 1. Starting January 1, cougar hunters may hunt in any PMU until March 31, or until the harvest guideline is reached and the Director closes the seasons, whichever occurs first.

Public Safety Cougar Removals:

The purpose of the revised WAC is to identify when public safety cougar removals are warranted for the protection of public safety and private property. The Department's recommendation is to remove the use of cougar sighting or nuisance events from initiating or contributing to a public safety cougar removal. The Department also recommends changing the name the program from to "cougar management removal" to "public safety cougar removal." The reason for the proposed change is to better align the WAC language and actions with the supporting RCW authority.

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

- Establish cougar hunting seasons with a 12-16 percent harvest rate guideline and apply that harvest guideline to 49 PMUs.
 - Maintain an open cougar season from September 1- December 31. Under Director authority, close cougar hunt season in PMUs that reach or exceed the harvest guideline starting January 1.
-

Public involvement process used and what you learned:

The Department conducted an extensive public involvement process to develop the 2012-2014 hunting season recommendations. In early August, an email was sent to over 50,000 hunters announcing that the Department was beginning the development of the 2012-2014 hunting season package. The email also informed them of the opportunity to provide their comments via an online issue scoping survey and invited them to attend one of the public meetings being held statewide. Six public meetings were held with approximately 150 people in attendance and nearly 4,000 responses were received on the scoping survey. In February, a postcard was mailed to approximately 600 organizations and individuals informing them of the opportunity to provide comments on the proposed regulations. These organizations and individuals were also informed of the opportunity to provide public testimony at the March Commission Meeting in Moses Lake.

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

Take public comment. Adoption is planned for the April 13-14, 2012 Commission Meeting.

Draft motion language:

NA

Justification for Commission action:

These changes meet the approved criteria established by OFM as a result of the Governor's Executive Order 11-03 Extending Executive Order 10-06 Suspending Non-critical Rule Development and Adoption by satisfying the following conditions:

- Necessary to protect public health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources.
 - Beneficial to or requested or supported by the regulated entities, local governments, or small businesses that it affects.
-

Communications plan:

WDFW Website
News Releases
Hunting Pamphlet

AMENDATORY SECTION (Amending WSR 11-19-074, filed 9/16/11, effective 10/17/11)

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

(1) Definitions:

As used in this section and in the context of public safety cougar (~~(management)~~) removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(e) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations(~~(, and confirmed cougar sightings or nuisance activities)~~)).

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

(g) "Sighting" means a confirmed direct observation of one or

more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

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

(i) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar (~~(management)~~) removal authorization: The commission authorizes the director to issue public safety cougar (~~(management)~~) removal permits consistent with this rule. Prior to issuing public safety cougar (~~(management)~~) removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar (~~(management)~~) removal criteria:

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, an annual or seasonal increase in confirmed human-cougar interactions above the 2005-2010 level, therein demonstrates that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game

management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per three hundred square kilometers of complaint area.

(b) If warranted by conditions of this rule, a public safety cougar (~~((management))~~) removal(s) will be conducted annually between December 1st and March 31st in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar (~~((management))~~) removal period unless otherwise authorized by the commission.

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

(a) To participate in a public safety cougar (~~((management))~~) removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar (~~((Management))~~) Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than October 15, or be received at the department's Olympia office no later than 5:00 p.m. on October 15, during the year the removal period begins.

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

removal permit (permit), the participant must be a Washington resident dog hunter who, at the time of application for a permit, possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a cougar management removal.

(c) Individuals eligible for participation in a public safety cougar (~~(management)~~) removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar (~~(management)~~) removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar (~~(management)~~) removal education course prior to participating in a public safety cougar (~~(management)~~) removal.

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

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

(b) Public safety cougar removals will be based on a quota

system, where permit holders may hunt cougar until the allotted numbers of cougar have been killed from each game management unit or March 31, whichever is first.

(c) To verify if the public safety cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia within twenty-four hours prior to exercising a public safety cougar (~~(management)~~) removal permit.

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

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

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

(6) Public safety cougar (~~(management)~~) removal general requirements.

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

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar (~~(management)~~) removal permit may take one cougar per permit.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar (~~management~~) removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(e) The public safety cougar (~~management~~) removal permit (permit) belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047,

2/29/12 9:24 PM[6] OTS-4582.1

77.15.245, and 2007 c 178. 11-19-074, § 232-12-243, filed 9/16/11, effective 10/17/11. Statutory Authority: RCW 77.12.047, 77.12.040, 77.12.020, 77.12.570, 77.12.210. 08-17-034 (Order 08-197), § 232-12-243, filed 8/13/08, effective 9/13/08. Statutory Authority: RCW 77.12.047. 04-21-036 (Order 04-284), § 232-12-243, filed 10/14/04, effective 11/14/04; 03-17-037 (Order 03-186), § 232-12-243, filed 8/14/03, effective 9/14/03; 02-17-013 (Order 02-183), § 232-12-243, filed 8/9/02, effective 9/9/02; 01-20-011 (Order 01-198), § 232-12-243, filed 9/20/01, effective 10/21/01.]

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-12-243 Public safety cougar removals.

COMMENTS	AGENCY RESPONSE
I urge you [commission] to accept the proposed changes offered by the Washington Department of Fish and Wildlife regarding the public safety cougar removal program in the 2012-2104 hunting package.	Thank you for your comment.

NEW SECTION

WAC 232-28-297 2012-2013, 2013-2014, and 2014-2015 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) Season dates and harvest guidelines for each license year:

Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMU 101	7-9	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 105	2	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 108, 111	5-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 113	4-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 117	6-8	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 121	5-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 124, 127, 130	7-9	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381	None	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 149, 154, 157, 162, 163	4-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 145, 166, 175, 178	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 169, 172, 181, 186	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 203	4-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 204	6-8	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 209, 215	4-5	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 218, 231	4-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 224	2-3	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon

GMUs 233, 239	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 242, 243	4-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 244, 246, 247	5-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 245, 250	5-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 249, 251	5-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 328, 329, 335	6-8	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 336, 340, 342, 346	5-7	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 352, 356, 360, 364, 368	5-7	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 382, 388	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 407	None	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 418, 426, 437	11-15	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 448, 450	9-13	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 454	None	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 460	5-7	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 466, 485, 490	2-3	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 501, 504, 506, 530	7-10	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 503, 505, 520, 550	6-8	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 510, 513	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 516	3-5	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 522, 524, 554, 556	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 560	5-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 564, 568	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 572	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 574, 578	3-5	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 601, 602, 603, 612	5-7	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 607, 615	4-5	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 618, 636, 638	4-5	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 621, 624, 627, 633	None	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 642, 648, 651	6-8	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 652, 666	None	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMUs 653, 654	4-6	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon

GMUs 658, 660, 663, 672, 673, 681, 684, 699	9-12	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon
GMU 667	3-4	Sept. 1 - Dec. 31	Jan. 1 - Mar. 31	Any Legal Weapon

(a) In hunt areas with a harvest guideline, the director may close the cougar late hunting season 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 killed or March 31st ~~of the following year~~, whichever occurs first.

(3) Harvest guideline system:

(a) All cougar killed by licensed hunters during the early and late hunting seasons, and seasons authorized under WAC 232-12-243 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 web site.

(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;

excluding removals authorized under WAC 232-12-243. 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 232-12-243).

(d) Any person who takes a cougar must comply with the notification and sealing requirements in WAC 232-12-024.

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

[]

WAC 232-28-297 2012-2013, 2013-2014, and 2014-2015 Cougar hunting seasons and regulations.

RECOMMENDED ADJUSTMENTS

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

Page 11

- Under 2b, delete the phrase “of the following year,” so that the paragraph now reads:
(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 killed or March 31st, whichever occurs first.
This change was made to clarify that the season was intended to last three months rather than a year and three months.

Page 12

- Under 4e, a couple of grammatical edits were made to improve readability and understanding of the rule.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-297 2012-2013, 2013-2014, and 2014-2015 Cougar hunting seasons and regulations.

COMMENTS	AGENCY RESPONSE
Now that we know harvest guideline numbers, I would ask you to consider starting the season in August and run until the end March with 2 tags.	Thank you for your comment. The Department has adjusted seasons dates in an attempt to maximize hunter opportunity during peak snow periods based on a history of public input. The Department did not recommended an August 1 season start date due to the potential for increase take of adult females with dependent kittens. The Department did not recommend adding a second cougar tag because it was not an issue that surfaced during our public scoping period. In addition, adding a second tag option would require significant workload issues within our WILD point of sale computer system.
We the Columbia County Commissioners request that, when you set the upcoming hunting regulations for cougars in the Blue Mountain area, you use a minimum harvest number of 16 percent or 20 adult cats. By WDFW's own information, this number will not severely hurt the healthy cougar population, but will address the concerns of a growing cougar population that is impacting our community negatively.	Thank you for your comment. The Department is recommending a 12-16 percent harvest rate for cougars in the Blue Mountain hunt areas. A 16 percent harvest rate for cougars (all cougars ≥ 18 months old) is equivalent to 14 cougars combining the three hunt areas in the Blue Mountains.
I noticed that GMU 105 quota is significantly below what the average harvest has typically been for that unit. I hope that someone can take a second look at this unit and verify that the quota is indeed in line with management objectives.	Based on a long-term research project in GMU 105, the allowable harvest for a stable cougar population is 2 cougar. This number is smaller than other harvest guidelines based on the relatively small size of GMU 105. Cougars are territorial, so small sized land areas have fewer cougars.
I would like to request that public input on harvest quotas be an annual or ongoing process.	The Department will be evaluating the harvest guideline system annually during the next 3 years and will adaptively make adjustments as necessary.

COMMENTS	AGENCY RESPONSE
When shutting down an area for cougar hunting via Internet or hotline there needs to be a grace period for hunters. I suggest a 7-10 day grace period.	The Department will be implementing a “grace period”; this will likely be a system where online/toll free phone systems are updated once a week rather than daily.
If there are too many cougars being killed by boot hunters then you have a real problem with them [cougar] in that area not the other way around.	Based on past harvest levels and concurrent cougar research in the same areas, the Department has documented situations where boot harvest, without any harvest limits, can impact population in certain circumstances. That being said, the Department does not foresee many hunt areas reaching the harvest guideline. Based on data from the last 3 years, 4-8 hunt areas statewide may reach a level where cougar seasons are closed prior to March 31.
Proposed quota levels are too low, we need more cougar harvested to help our struggling whitetail herds in NE Washington. Cougar quota in GMU 105 is not even sensible. That quota should be about 8 cougar with a 4 female sub-quota. Female sub-quotas would be a good thing in all units. Allow a few more cougar on each quota, but have a female sub-quota.	The proposed harvest guidelines are at a level to achieve population stability for male and female cougars; that is, neither an increasing nor decreasing cougar population. Based on information documented in our Whitetail Deer Plan, if predation is impacting deer numbers, the most significant impact may be due to coyote predation on deer fawns. As such, the Department is developing a feasibility report for a potential coyote control experiment. Based on a long-term research project in GMU 105, the allowable harvest for a stable cougar population is 2 cougar. This number is smaller than other harvest guidelines based on the relatively small size of GMU 105. Cougars are territorial, so small sized land areas have fewer cougars.
Make cougar season open year around this will help reduce the over population of cougars and start rebuilding our deer and elk herds.	The Department’s cougar management objective is for a stable cougar population, not to reduce populations. As such, the harvest guideline is set at a level to achieve stability. The Department has managed cougars to attempt to reduce populations and current evidence indicates that any temporary reductions in population size were quickly swamped by the effects of immigration.

COMMENTS	AGENCY RESPONSE
We support this but do not exceed 12 percent harvest. More research is needed in western WA on population numbers.	Published research indicates that a 12-16 percent range achieves cougar population stability. In practice, this is a range of 1-3 animals for most hunt areas.
I feel the cougar quotas statewide are too low.	The proposed harvest guidelines are at a level to achieve population stability for male and female cougars; that is, neither an increasing nor decreasing cougar population.
The population of cougars in this state is dangerously high. The number of negative interactions between cats and people is on the rise as the population goes up throughout the state. In the central Washington area, these interactions are becoming too common. Also, as a result of the overly high populations, the deer populations are suffering severely.	The proposed harvest guidelines are at a level to achieve population stability for male and female cougars; that is, neither an increasing nor decreasing cougar population. Human-cougar interactions and pet/livestock depredations by cougar are at record low levels in most areas of the state.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 232-28-272 | 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 Cougar hunting seasons and regulations. |
| WAC 232-28-287 | 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations. |
| WAC 232-28-295 | Landowner hunting permits. |
| WAC 232-28-351 | 2009-2011 Deer general seasons and definitions. |
| WAC 232-28-352 | 2009-2011 Elk general seasons and definitions. |
| WAC 232-28-355 | 2011 Deer special permits. |
| WAC 232-28-356 | 2011 Elk special permits. |



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 11-24-102 on 12-07-11 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
Hunting Seasons and Regulations – See Attachment A

Hearing location(s):
Moses Lake City Hall
321 S. Balsam
Moses Lake, WA 98837
(509) 764-3701

Date: March 9-10, 2012 Time: 8:30 a.m.

Date of intended adoption: April 13-14, 2012
(Note: This is NOT the effective date)

Submit written comments to:
Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North, Olympia WA 98501-1091
e-mail Wildthing@dfw.wa.gov
fax (360) 902-2162

By: Tuesday, February 21, 2012

Assistance for persons with disabilities:

Contact: Tami Lininger by March 5, 2012
TTY (800) 833-6388 or (360) 902-2267

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

See Attachment A

Reasons supporting proposal:

See Attachment A

Statutory authority for adoption: 77.12.047

Statute being implemented: 77.12.047

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:
CFR Part 20.21

DATE
February 1, 2012

NAME
Lori Preuss

SIGNATURE
Lori Preuss

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 01, 2012
TIME: 11:43 AM

WSR 12-04-098

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

None

Name of proponent: (person or organization)

Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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

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

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.
These rules do not directly regulate small business.

Is a cost-benefit analysis required under RCW 34.05.328?

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

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Not hydraulics rules.

ATTACHMENT A

WAC 232-12-047 Unlawful methods for hunting.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to further the discussion on what should be allowed for crossbow use during modern firearm seasons.

Reasons supporting proposal: This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

WAC 232-12-054 Archery requirements - Archery special use permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to further the discussion on allowing illuminated nocks for archery equipment.

Reasons supporting proposal: This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

WAC 232-12-063 Hunting at night – regulations – penalties.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal would clarify how a hunter can hunt small game and unclassified wildlife at night and would complement existing night hunting rules.

Reasons supporting proposal: The proposal would provide greater certainty for officers in determining whether a hunter is lawfully hunting at night.

WAC 232-12-243 Public safety cougar removals.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposed WAC amendment is to identify when public safety cougar removals are warranted for the protection of public safety and private property. The proposed WAC changes remove the use of “cougar sighting events” or “nuisance behavior” to trigger a public safety cougar removal. The proposed WAC also renames the program from “cougar management removal” to “public safety cougar removal.”

Reasons supporting proposal: This proposal better aligns the WAC language and actions with the terms used in the RCW authority.

WAC 232-12-257 Use of decoys and calls.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to further the discussion on the use of electronic technology for waterfowl hunting.

Reasons supporting proposal: This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

WAC 232-12-264 Baiting of game birds – Unlawful.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposed amendment is intended to clarify the existing rule on baiting of game birds, and align the rule with current federal regulations on baiting of migratory game birds.

Reasons supporting proposal: This amendment was requested by the Washington Fish and Wildlife Commission, subsequent to a Commission presentation in September 2009, to facilitate consistent enforcement of state and federal baiting rules by the Department and U.S. Fish and Wildlife Service.

WAC 232-28-273 2012-2014 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed WAC changes amend seasons for moose, bighorn sheep, and mountain goat. Winter surveys indicate moose populations are stable. The Department recommends minor permit level adjustments based on recent survey results. The Department also recommends redefining Mt. Spokane moose hunts in GMU 124 into two moose areas, Mt. Spokane North and Mt. Spokane South, and increasing permit levels slightly in those areas to control population levels. Based on the recommendation, statewide permit levels would change from 140 to 152. The anticipated effect is stable moose populations in core areas with more control on moose population growth in areas surrounding Spokane. Hunter opportunity will increase slightly.

All bighorn sheep populations that we are currently hunting either meet or exceed total population objectives. However the number of adult rams fluctuates and we are recommending reductions in ram harvest for several units consistent with the population thresholds in the Game Management Plan (2008). Based on the recommendation, statewide permit levels would change from 41 to 31. The anticipated effect is stable bighorn sheep populations in all hunted areas. Hunter opportunity will decrease slightly.

Mountain goat populations are managed for stable-to-increasing populations in all hunted areas. Changes in permit levels are based on annual survey counts and tend to be conservative, given the sensitivity of goats to overharvesting. The Department recommends status quo delegated authority for existing hunt area permit levels, plus the addition of two hunt areas each with 1 permit. Under that authority the Department will be rotating and reducing hunting pressure in the goat units surrounding Mt. Baker, based on recent survey results. With the delegated authority, statewide permit levels would change from 15 to 17. The anticipated effect is stable mountain goat populations in all hunted areas. Hunter opportunity will increase slightly.

Reasons supporting proposal: This proposal incorporates permit level changes based on the population thresholds and criteria in the Game Management Plan (2008).

WAC 232-28-286 2013, 2014, and 2015 Spring black bear seasons and regulations.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule amendments establish the 2013, 2014, and 2015 spring black bear seasons. The purpose is to: 1) reduce tree damage by bears in western Washington; 2) disperse harvest geographically and reduce female harvest in southeastern Washington; and 3) reduce nuisance and damage activity in northeastern Washington, while maintaining long-term sustainable populations in each Black Bear Management Unit (BBMU) --except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are continued recreational harvest opportunities similar to 2009-2011 levels and long-term sustainable bear populations.

Reasons supporting proposal: Spring bear opportunity is provided to address management needs rather than solely for the purpose of providing recreational opportunity. This is due to the public's sensitivity to hunting bears while adult females are accompanied by the young of the year. The Department did not receive any requests for additional spring bear harvest to address the management needs listed above, except for additional bear harvest in northeastern Washington to address nuisance bear issues. Based on the population thresholds outlined in the Game Management Plan, hunting may be impacting the bear population in northeastern Washington; that is, the "median age of harvested females" indicator suggests bear harvest may be impacting the regional bear population. As such, any additional spring bear harvest in the area would require equivalent reductions to fall bear harvest to offset any additional population impacts. During the scoping phase of this WAC, survey data indicated

respondents preferred status quo spring seasons rather than adding harvest opportunity in the spring coupled with reductions in the fall season.

WAC 232-28-288 2012-2014 Fall black bear hunting seasons and regulations.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule establishes the 2012, 2013, and 2014 fall black bear seasons. The purpose is to provide recreational harvest opportunities for black bear, while maintaining long-term sustainable populations in each BBMU --except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are to maintain recreational harvest trends similar to 2009-2011 levels. The anticipated effect to the bear population is a long-term sustainable bear populations statewide.

Reasons supporting proposal: The parameters used as population indicators by the Department to evaluate the impacts of hunting on the bear populations are either stable or trending in the right direction. Therefore, no significant changes are recommended at this time.

WAC 232-28-296 Landowner hunting permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to expand the number of special hunting opportunities available on private lands for hunters. The recommended changes would add two additional cooperators in eastern Washington.

Reasons supporting proposal: The Fish and Wildlife Commission developed a policy to expand the private lands available for hunting to the general public several years ago. One of the programs that was authorized under their authority is the Landowner Hunting Permit program. This program encourages landowners to provide opportunity to the general hunter in exchange for customized hunting seasons and the ability to generate funding to offset the cost of providing public access.

WAC 232-28-297 2012-2013, 2013-2014, and 2014-2015 Cougar hunting seasons and regulations.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to establish the 2012-2013, 2013-2014, and 2014-2015 cougar hunting seasons. The proposal establishes hunt areas and associated harvest guidelines for the entire state (except Columbia Basin and Puget Sound Cougar Management Units). The harvest guideline represents a sustainable 12-16 percent harvest rate for each hunt area. The anticipated effects to the cougar population are to maintain a stable population and to maintain an adequate age structure for cougar populations equally distributed across the state.

Reasons supporting proposal: Recently published studies suggest that a 12-16 percent harvest rate of a local cougar population is the maximum harvest rate that still has a high probability for maintaining a stable cougar population along with stable adult male territorial behavior. Harvest rates in excess of 16 percent can result in declines in core populations of breeding females, and excessive male harvest rates result in the loss of adult male territorial behavioral, which acts as a regulatory mechanism for local male cougar numbers.

WAC 232-28-337 Deer and elk area descriptions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed language eliminates one elk area and creates three new deer areas. Deer and elk areas help direct hunters when a scale smaller than the Game Management Unit (GMU) is needed. Deer and elk areas help staff deal with wildlife damage problems.

Reasons supporting proposal: The proposed language allows the Commission to distribute hunters more favorably during quality hunts. Proposed language also helps delineate when state authorized deer

hunting is and is not allowed at a smaller scale within the GMU. Proposed language eliminates an elk area that is associated with a special permit elk hunt that is no longer being conducted.

WAC 232-28-342 2012-13, 2013-14, 2014-15 Small game seasons.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This amendment proposes calendar date adjustments to most small game seasons, expands the wild turkey season in eastern Washington, reinstates the September Canada goose season in eastern Washington, and shifts the crow season one month earlier.

Reasons supporting proposal: This proposal provides for the continuation of hunting seasons on small game species to provide recreational opportunity and depredation control.

WAC 232-28-357 2012-2014 Deer general seasons and definitions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant a change. The proposal would repeal the old deer general seasons for 2009-2011 and adopt the new deer seasons for 2012-2014.

Reasons supporting proposal: This proposal provides recreational deer hunting opportunity and protects deer from overharvest. The proposal would maintain sustainable general deer hunting season opportunities for 2012 through 2014. The proposal helps address deer damage problems and provides for deer population control when needed.

WAC 232-28-358 2012-2014 Elk general seasons and definitions.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant a change. The proposal would repeal the old elk general seasons for 2009-2011 and adopt the new elk seasons for 2012-2014.

Reasons supporting proposal: This proposal provides recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable general elk hunting season opportunities for 2012 through 2014. The proposal helps address elk damage problems and provides for elk population control when needed.

WAC 232-28-359 2012 Deer special permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain special permit deer hunting opportunity that is above and beyond what is offered for general seasons. The proposal would repeal the old deer special permit seasons for 2011 and adopt the new deer special permit seasons for 2012. The proposal adjusts special permits for deer for 2012 in response to deer population changes and damage complaints. The proposal would help reduce or minimize agricultural damage and provides for population control of deer where needed.

Reasons supporting proposal: The proposal continues to provide recreational deer hunting opportunity while protecting deer from overharvest and helps minimize deer agricultural damage.

WAC 232-28-360 2012 Elk special permits.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to retain special permit elk hunting opportunity that is above and beyond what is offered for general seasons. The proposal would repeal the old elk special permit seasons for 2011

and adopt the new elk special permit seasons for 2012. The proposal adjusts special permits for elk for 2012 in response to elk population changes and damage complaints. The proposal would help reduce or minimize agricultural damage and provides for population control of elk where needed.

Reasons supporting proposal: The proposal continues to provide recreational elk hunting opportunity while protecting elk from overharvest and helps minimize elk agricultural damage.

WAC Sections Proposed for Repeal:

WAC 232-28-272	2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 Cougar hunting seasons and regulations.
WAC 232-28-287	2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.
WAC 232-28-295	Landowner hunting permits.
WAC 232-28-351	2009-2011 Deer general seasons and definitions.
WAC 232-28-352	2009-2011 Elk general seasons and definitions.
WAC 232-28-355	2011 Deer special permits.
WAC 232-28-356	2011 Elk special permits.