

# Concise Explanatory Statement (CES)

## Concise Explanatory Statement for Cougar hunting seasons and regulations

### Rules amended as part of this rulemaking:

WAC 220-415-100                      Cougar hunting seasons and regulations.

#### 1. Background/Summary of Project:

The process to revise this rule began in March 2019 when the CR-101 was filed after public comment regarding concerns about cougar numbers was voiced by many during the April 2019 commission meeting. The commission asked the department to look at providing additional harvest opportunity in those areas of concern while still ensuring the long-term sustainability of the cougar population on the landscape. To that end, the department convened an internal working group that worked on coming up with options to present to the commission. This group met five times over a six-month period and produced a series of options that were presented to the Commission's Wildlife Committee. Based on those discussions, the department developed four options, which were presented to the Commission for consideration and addressed by the proposed rule. Below are some of the process steps taken:

- September 6, 2019 – Commission Wildlife Committee cougar rulemaking timeline discussion.
- September 13, 2019 – Commission Wildlife Committee project plan and executive summary of options & report out to full commission.
- October 18, 2019 – Commission Wildlife Committee cougar presentation preview.
- October 19, 2019 – Commission cougar management briefing.
- December 12, 2019 – Commission Wildlife Committee review of draft options, WDFW narrowed options to four subsequent to this briefing.
- December 13, 2019 – Wildlife Committee report out to full commission.
- January 28, 2020 – Meeting with Humane Society of the U.S., Conservation Northwest and Wolf Haven to review/explain options.
- February 5, 2020 – Filed CR-102 for cougar rule.
- February 13, 2020 – Digital open house (public webinar) to discuss four options.
- February 26, 2020 – Public comment period closed.
- March 13, 2020 – Kennewick Commission meeting; presentation of options.
- March 31, 2020 – Commission Wildlife Committee options discussion.
- April 10, 2020 – Commission Decision.

The department presented four options to the Commission relating to how recreational cougar harvest guidelines would be set. Status quo was characterized as option 1, and options 2-4 were intended to extend hunting seasons in areas where harvest has been

historically high and where cougar human conflict is also high. The intended result of the longer season is to provide additional harvest opportunity in those areas.

- The first option is status quo with one caveat, the density we used to set the guideline is the median of five research projects that were conducted in Washington. The median is a better measure because it is not affected by outliers in the data. In the past we used the mean.
- The second option also uses a median density that is calculated using only adult cougars that are 24 months or older. This option reduces the guideline slightly, but sub-adult cougars harvested under this option would not count toward the guideline for season closure. This is intended to increase harvest slightly when compared to option 1.
- The third option adjusts the guideline upward for units that exceeded the guideline by December 31 at least once in the past five years. This adjusted guideline is based on the highest harvest in the past five years. In this option there is the assumption that density is higher in these areas. Additionally, in two PMUs (Population Management Unit) the guidelines in this option were adjusted so they did not exceed an assumed density 4.15 cougars per 100 square kilometers. This was intended to keep the density within an acceptable range based on research conducted in the western United States. This guideline includes adults and sub-adults. This option increases harvest potential when compared with options 1 and 2.
- The fourth option is like option three, but only uses a density based on adult cougars and only counts adult cougars towards the guideline. This option has the potential for the most harvest of all the options.

## **2. Reasons for adopting the rule:**

The way we hunt cougars in Washington is intended to maintain stable cougar populations while providing recreational hunting opportunity. This is done by maintaining enough older age class cougars in the population to maintain territoriality. We have different processes to address conflict and at-risk ungulate populations. The options we presented to the commission are not intended to reduce cougar densities; they are intended to increase harvest opportunity in areas where evidence shows that densities could be higher based on harvest and conflict statistics. Some have argued that higher harvest leads to higher conflict. The papers that test this hypothesis (Peebles et al. 2013, Teichman et al. 2016, Laundre and Papouchis 2020) are correlative in nature and do not look at cause and effect. They correlate high harvest with high conflict. This correlation is expected and should exist in areas with higher than average cougar densities. This creates a circular argument that these studies do not address. Are conflict and harvest high because there are more cougars or because of reasons related to hunting? No one has done the research that specifically looks at this, and until they do, we can only speculate. Our harvest data show that ages of harvested cougars are no different in areas where harvest is low when compared with areas where harvest is high. This indicates that the social structure is still intact in those places of high harvest (older age class cougars remain on the landscape) which leads us to conclude that the densities are high enough to support a higher harvest without compromising the territoriality.

The commission selected option four by a 6-3 vote. The commissioners that voted for this option wanted to provide more recreational hunting opportunity in those areas where people have voiced their frustration with increased cougar numbers and believe that our recreational hunting practices should be able to adapt to a growing population that could provide for more recreational harvest. Concerns that we have heard from the public regarding increased cougar numbers include the potential for increased predation of ungulates and livestock as well as public safety and the welfare of their pets and other animals. The commissioners that voted for this option do not believe that the statewide average or median should be used, which was the approach used for options 1 and 2, given that density can be variable on the landscape. Given that we do not currently have a method to estimate local density, those commissioners would like us to consider additional information such as harvest and conflict calls when setting guidelines. In addition, Option 4 sets guidelines that will still limit the harvest of the adult component of the cougar population. Therefore, Option 4 addresses both the desire to adjust guidelines where densities may be higher than the median and is focused on adult harvest only. The commissioners that did not vote for this option expressed concern that the public comment related to public safety may not be adequately addressed by option 4.

**3. Differences between the text of the proposed rule and the rule as adopted:**

No changes from what we proposed. The commission picked option four as proposed.

**4. Public comments, response to comments, and consideration of comments**

We received 733 total comments on this proposed rule change. One hundred and seventy-seven came through our online survey. Five hundred and fifty-five were emails and one letter.

Written Supporting Comments:

Fifty-two percent (89) of the online respondents indicated that they generally agreed with the proposed changes. Of those that generally agreed, thirty-four individuals provided written comment. Eighteen of those 34 indicated what option they supported: eight for option four, eight for option three, one for option two, and one for option one. Eight of the 34 people indicated that they would like to see more cougar hunting opportunity than we outlined in the proposed options. An additional eight indicated they would like to see hound hunting as a method for hunting cougar.

Of the emails received, eight supported the proposed options. The options they supported were: five for option one, zero for option two, two for option three, and one for option four.

Written Opposing, Neutral, and Other Comments:

Thirty-four percent (58) of the online respondents indicated that they generally disagreed with the proposals. Of those that generally disagreed, fifty-five provided written

comment. Only two picked a preferred option. One picked option four and one option three. The rest that disagree fell into four camps. Those that wanted hound hunting as a method (9), those that wanted more cougar hunting opportunity than provided in the options (25), those that wanted no change to the regulations (16), and those that wanted no cougar hunting (3).

Fourteen percent of the online respondents took a neutral position. Of those 11 provided written comment. Six wanted more cougar hunting opportunity. Two liked option four. One liked option three. Two wanted no cougar hunting.

Five hundred and forty-seven of the emails we received were generally in opposition. Five hundred and thirty-two of those were a form letter with the following language:

“As a Washington resident, I am writing to urge you to not allow the cruel and unnecessary killing of Washington's iconic native carnivores in order to boost prey populations. This proposed bill will not only hurt the carnivore population but also do little to boost prey species populations in the long term.

I urge you to please consider these comments and help protect these beautiful animals. Please do not allow any increase in Trophy hunting.”

The rest of the emails (15) fell into three camps. Those that wanted no cougar hunting (5), those that wanted more cougar hunting opportunity (5) and those that wanted no change to the regulations (5).

We received one letter that did not directly relate to the cougar rule and was describing an interaction this person had with a cougar around their home.

Fish and Wildlife Commission Hearing, Public Comments:

Most of those that commented during the March commission meeting indicated that they would like to see more cougar hunting opportunity and a reduction in cougar numbers to help ungulates and increase public safety.

We extended the written public comment period and received 91 comments related to cougar hunting. The majority (87) said that they preferred option one and most of them did not want us to hunt cougars at all. Two people advocated for more cougar hunting generally. We also received a letter and survey from The Humane Society of the United States (HSUS). The survey was related to how people felt about predator hunting.

Rationale-Agency Action Regarding Comments:

Those that oppose the recommended changes to the rule fell into four camps:

- 1) Those that did not want any cougar hunting.

Cougar hunting like any other hunting can be controversial. Cougars are classified as a game animal in RCW 77.08.030 and as such are legal to hunt in the state. Cougars are an

important species for all Washingtonians and the department manages them as such. RCW 77.04.012 states, “The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens....” Hunters have been integral in the recovery of many species in Washington and across the United States, including cougars. The regulations put forth in this rule are intended to provide increased hunting opportunity, rather than reduce cougar numbers on the landscape.

2) Those that wanted the rule to stay the same.

Status quo remained a viable option throughout the process, but ultimately, was not selected by the Commission.

3) Those that wanted more hunting opportunity than provided in these options.

We are currently managing cougars under objectives outlined in the Statewide Game Management Plan. Any opportunity that is greater than what was presented in these options falls outside of this plan and would require a Game Management Plan Revision.

4) Those that wanted to use hounds as a method of hunting cougars.

Hound hunting was banned by voter initiative in 1996 and unless that initiative is repealed it is not a legal method for recreational hunting, with few exceptions.

#### References Cited

Laundré JW, Papouchis C (2020) The Elephant in the room: What can we learn from California regarding the use of sport hunting of pumas (*Puma concolor*) as a management tool? PLoS ONE 15(2): e0224638. <https://doi.org/10.1371/journal.pone.0224638>

Teichman, K.J., Cristescu, B. & Darimont, C.T. Hunting as a management tool? Cougar-human conflict is positively related to trophy hunting. *BMC Ecol* **16**, 44 (2016). <https://doi.org/10.1186/s12898-016-0098-4>

Peebles KA, Wielgus RB, Maletzke BT, Swanson ME (2013) Effects of Remedial Sport Hunting on Cougar Complaints and Livestock Depredations. PLoS ONE 8(11): e79713. <https://doi.org/10.1371/journal.pone.0079713>