

Concise Explanatory Statement
WAC 220-415-100
Cougar Hunting Seasons and Regulations

Rules amended as part of this rulemaking:

WAC 220-415-100 Cougar hunting season and regulations

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

N/A

1. Background/Summary of Project:

The purpose of the amendments to 220-415-100 Cougar hunting seasons and regulations is to primarily address an ungulate management concern by providing an additional recreational cougar hunting opportunity in specific geographic areas. The adopted rule change is to use recreational hunting, through a second cougar harvest opportunity in identified cougar population management units (PMUs), to assist in increasing elk calf survival. WDFW expects an increase in cougar harvest in the GMUs that constitute PMUs 9, 10, and 11, where the Blue Mountain Elk herd is more susceptible to cougar caused mortality. WDFW also anticipates a corresponding increase in juvenile elk survival in PMUs 9, 10, and 11, where in recent years the agency has observed insufficient juvenile elk survival to achieve population growth or stability in the Blue Mountains elk population. This rule change will also add the cougar PMU number to each of the hunt areas. These amendments will provide additional hunting opportunity to hunters who may elect to pursue a second cougar within the identified PMUs, and clearly identify the PMU numbers and the GMUs associated with each for those individuals. The adopted proposal meets the Commission’s mandate and the guidance under WDFW’s 2015-2021 Game Management Plan. The Plan has been extended to 2023. This plan is undergoing a revision process. This plan will continue to provide guidance until it is replaced or amended.

A fundamental part of WDFW’s legislative mandate is to preserve, protect, and manage wildlife while providing maximum, sustainable recreational hunting opportunities. Elk have been a part of Washington’s wildlife for over 10,000 years, and the recent downward population trends of Blue Mountain elk are concerning to ungulate managers for maintaining a healthy and sustainable elk herd in the Blue Mountains over the long-term. WDFW strives to manage for viable and productive elk populations with desirable population characteristics, as explained in WDFW’s 2015-2021 Game Management Plan.

A recent risk-assessment conducted by WDFW has identified cougar predation as a leading cause of elk calf mortality. WDFW recognizes cougar management actions, which aim to reduce cougar numbers in specific areas, as a viable management tool to minimize potential predation on ungulates and provide support to the ungulate herd. The increased opportunity to harvest cougars within the Blue Mountain Elk herd range would also assist in efforts to meet the cougar harvest guidelines for those PMUs where the cougar harvest has not met the guideline. The addition of the PMU numbers would clarify to hunters which GMUs are contained within each PMU and further state which PMUs are authorized for a second cougar transport tag.

2. Reasons for adopting the rule:

The overall intent of allowing an individual hunter to harvest a second cougar per license year is to provide a limited opportunity in PMUs 9, 10, and 11 while also addressing a local ungulate management issue identified by WDFW wildlife staff. In these three PMUs, where the second cougar tag would be offered, elk calf survival is low and mortality caused by predation, specifically cougar predation, is high. WDFW staff determined that predation on elk calves must be addressed to improve elk calf survival and reducing cougar density within the affected PMUs of the Blue Mountains is warranted as a short-term management tool. The use of hunters is deemed the most immediate method feasible under current law. Continued monitoring of cougar harvest and elk calf survival is paramount to assess the efficacy of the proposed action if adopted.

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

None.

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

Common comment themes:

- Support the proposal as stated
- Suggest a longer season / increased guidelines
- Desire for use of hounds / raffle hunts / other tools: bait, electronic calls etc.
- Suggest WDFW staff & contractors implement removals
- Desire for increased bear & cougar hunt opportunities / more areas
- Oppose hunting, increasing cougar harvest or cougar hunting
- Oppose focus on predators
- Desire for review of elk herd objective, supplemental feeding of elk, and other factors effecting the elk population
- Desire for further evaluation of habitat and effects of climate change
- Suggest cougar harvest is already in excess of 12-16%
- WDFW staff needs to advise – they are the experts
- Desire more information to clearly explain the situation
- Concern the 2nd tag is not enough to assist the elk herd

Comment: Support the proposal as stated.

WDFW appreciates those members of the public that took the time to comment in support of the rule amendments.

Comment: Suggest a longer season / increased guidelines.

WDFW considered extending the season and increasing or removing the guideline altogether and did not recommend for the following reasons. Only one of the three PMUs met the guideline last year and increasing the guideline would not have helped increase harvest in two of the three PMUs. Extending the season was also evaluated and not recommended because hunting cougars in the spring months when snow is not available, can be difficult since snow often aides in finding cougars especially in Washington where the use of hounds is illegal. We did not feel that extending the season would increase harvest substantially. We also wanted to avoid hunting cougars in the months when cougars are most likely to have small young of the year, to avoid the potential for orphaning young kittens.

Comment: Desire for use of hounds / raffle hunts / other tools: bait, electronic calls etc.

Many of the methods suggested here are illegal and would need other law or rule changes to happen before this rule could contemplate those methods.

Comment: Suggest WDFW staff & contractors implement removals.

WDFW is considering this approach and wanted to allow recreational hunters to be the first part of the solution. The Department will evaluate the effort of recreational hunters and may implement direct agency removals if necessary.

Comment: Desire for increased bear & cougar hunt opportunities / more areas.

This rule change is intended to solve a specific elk calf recruitment problem on the Blue Mountains, where data have shown that cougar are the main proximate cause of mortality. The assessment of this herd has taken more than two years, and this is not an action that the Department takes lightly. WDFW is charged with managing all wildlife species and values the role that predators play in the ecosystem. As explained further in the Game Management Plan, WDFW's current harvest levels for cougars are based on WDFW staff's assessment of long-term sustainable harvest level. WDFW would need a good management reason to increase bear or cougar harvest above long-term sustainable levels. WDFW monitors ungulate species statewide and currently no other ungulate populations require this approach.

Comment: Oppose hunting, increasing cougar harvest or cougar hunting.

WDFW understands that some members of the public oppose hunting and especially hunting of cougars or other large carnivores. WDFW is responsible for managing all wildlife species and has a mandate to maximize recreational hunting opportunity. Given that most ecosystems in Washington are highly influenced by human habitation and agricultural production, a certain

level of hunting and management is necessary to maintain balance. This includes management of ungulates and carnivores alike.

Comment: Oppose focus on predators.

As indicated above, WDFW is responsible for managing all wildlife species and has a mandate to maximize recreational hunting opportunity. WDFW does not focus on any one species when it comes to hunting opportunity. It often seems like it though because predators often garner more public interest.

Comment: Desire for review of elk herd objective, supplemental feeding of elk, and other factors effecting the elk population.

WDFW does evaluate all elk herds related to objectives and habitat use and availability. The Blue Mountains Elk Herd Plan was completed in 2020 and looked at habitat and other issues that could limit elk populations. Elk herd objective are a mix of local habitat and social factor that could limit population growth. Those plans often identify the issues and outline methods to overcome those limitation. WDFW urges those interested in the specifics of elk management to look at these herd plans for more information.

Comment: Desire for further evaluation of habitat and effects of climate change.

Answer similar to above. The habitat considerations are clearly discussed in the specific herd plans. Climate change is also addressed indirectly in these plans since climate conditions will affect the habitat conditions. Climate change is addressed on annual basis as we monitor this population annually.

Comment: Suggest cougar harvest is already in excess of 12-16%.

It is difficult to know cougar density in any one place at any one time. The Department manages cougars based on a statewide density that was derived through several research studies across the state. This approach was an effort to create simple regulations that allows hunters to have some certainty related to the available cougar opportunity. The Commission voted to increase the cougar guidelines for the Blue Mountain PMUs in 2020 in response to local input. This change did not increase harvest greatly and we have not met the guidelines on all the PMUs in that area. Regardless of the current density or harvest, we are looking to reduce cougar density from whatever level it may be, because at their current density cougars are the largest proximate cause of elk calf mortality. We will continue to monitor cougar harvest levels and calf survival rate and assess if this change produces the desired outcome.

Comment: WDFW needs to advise – they are the experts.

Wildlife management relies on science and public opinion. It is as much art as it is a science. Although the Department staff has a great deal of expertise in the biological science, the Fish and Wildlife Commission is charged with making the final decision. The commissioners consider the biological science, social science and current public sentiment. We do not always have perfect

information on any of those fronts and the Commission is often faced with difficult decisions. The commissioners do the best they can to make an informed decision.

Comment: Desire more information to clearly explain the situation.

WDFW believes that the information provided on this issue is more than sufficient. We can never have perfect knowledge of biological systems. There is always more we can learn. Science can sometime answer questions that are specifically posed hypotheses, but often science creates more questions than answers. Policy decisions will inevitably need to be made with imperfect information. WDFW urges those interested in the science-policy interface to follow the Commission discussions on this topic, including the October 21, 2021 Wildlife Committee meeting materials available at the Commission's webpage.

Comment: Concern the 2nd tag is not enough to assist the elk herd.

This is an adaptive approach that can be effective. Cougars are never in high density on the landscape and often increasing a harvest of a few additional cougars can be effective in reducing predation. WDFW is committed to monitoring the harvest and the expected outcome and will provide additional management recommendations if this approach falls short.