

Concise Explanatory Statement Cougar Hunting Seasons and Regulations

Rules amended as part of this rulemaking:

WAC 220-415-100 Cougar Hunting Seasons 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Rules repealed as part of this rulemaking: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:

This rule is responding to and supporting a rule petition that the Commission accepted on December 15, 2023. The petition requested that the department revisit the cougar hunting seasons and regulations rule that was adopted in 2020. Through a motion, the Commission gave department staff specific directions to include the following aspects in the rule proposal:

1. All independent-aged cougars shall count towards the total cougar mortality cap.
2. The cougar hunting season will begin September 1 and end March 31.
3. The cap will be based on the best available estimates of cougar density and growth rate; currently those parameters are estimated at 2.3 cougars per 100 km² and 1.13 intrinsic growth rate.
4. 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. Mortalities will be counted starting on April 1 and ending on March 31 of the following year.
5. Based on the recommendation of the department cougar specialist, managers may close hunting in any Population Management Unit (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.
6. In PMUs that reach the 13 percent cap prior to the recreational hunting season starting, the cap will be increased to 20 percent of the population to provide hunting opportunity in those PMUs. When all known human-related independent-aged cougar mortalities in those PMUs meet or exceed 20 percent of the population, the season shall close in those PMUs. Additionally, if opened, the season shall close within 72 hours of that number being reached.

2. Reasons for adopting the rule:

Changes: Added a mortality counting period of April 1 – March 31. Removed the sunset clause on the 20% cap.

It is important that the period for counting mortalities be clarified in rule, as it follows the license year and aligns with the methods used in our growth model. Additionally, it was the Commission's decision to remove the sunset clause on the increase to a 20% cap. This assures that the entire rule will remain in effect in continuity until a new rule is proposed and enacted.

3. **Differences between the text of the proposed rule and the rule as adopted:**
 - a. The language was clarified in rule that the human-caused mortalities will be counted beginning on April 1 and ending on March 31 of the following year.
 - b. The sunset clause statement in section (3) was removed.
4. **Public comments, response to comments, and consideration of comments**

Support:

Comments: Cougars should be protected; Protect cougars from extinction; Cougars provide ecosystem balance

Responses: The Department supports its mission to preserve, protect, and perpetuate fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities compatible with healthy and diverse fish and wildlife populations. WDFW believes that cougars are an incredibly important part of our wild landscape. WDFW wants to protect cougar populations to keep them healthy and thriving. That means no overpopulation, which can lead to starvation, increased conflict, and disease, as well as creating an unbalanced ecosystem with deer and elk where they would likely experience higher predation rates. That also means not managing for a small or declining population, which can lead to genetic issues or even an overabundance of deer and elk if their top wild predator is not prevalent on the landscape. The Department manage for balance in populations that allow the continued cultural practices of our citizens and the assisted management of game species' populations through hunting practices. The 13% cap matches the mean of the intrinsic growth rate of the statewide population. Removing that many individuals allows the population to stabilize, providing the balance that we hope to achieve for managing the cougar population in Washington.

Comments: This proposal is science based; Continue obtaining more data on the cougar populations; Require a 3-year assessment of rule

Responses: WDFW's Science Division modeled the cougar populations using all available data. They found that the mean of the intrinsic growth rate of the statewide population was 13%. Removing that many individuals allows the population to stabilize, providing the balance that we hope to achieve for managing the cougar population in Washington until more research can be done. The Department has been directed to open a CR-101 for the

cougar rule in time for the 2025-2026 harvest season, using management frameworks designed by Department staff.

Comments: Cougar control overabundance of deer and elk; Deer and elk are plentiful; Killing cougars does not save deer and elk

Responses: WDFW wants to protect cougar populations to keep them healthy and thriving. That means no overpopulation, which can lead to an unbalanced ecosystem with deer and elk where they would likely experience higher predation rates. That also means not managing for a small or declining population, which can cause an overabundance of deer and elk if their top wild predator is not prevalent on the landscape. The Department manages for balance in populations that allow the continued cultural practices of our citizens and the assisted management of game species' populations through hunting practices.

Comment: Killing cougars could increase conflict

Response: WDFW is working on our predator response policies to try to decrease the amount of conflict cougar removals over the next few years and into the future. It is not likely that the cougar densities are high enough to increase conflict by removing cougars from the landscape; the removals should actually help to reduce conflict by opening up available territories to transient individuals.

Comment: Eliminate trophy hunting

Response: WDFW does not manage for trophy individuals, only healthy populations.

Comment: Cougars should be managed for all people

Response: WDFW manages cougars for the right of all people to enjoy. Hunting is a right of citizens throughout the U.S. We will continue to support that right so long as there is balance with cougar populations.

Comments: Adopt the regulations recommended in the original petition; Count all ages of cats; Take a 1-year break from hunting; Use a 10% cap; Shorten the season length

Responses: The Department is following the decisions of the Commission that were guided by the original petition. These decisions have been made to count all independent-aged cougars, to have a harvest season that counts all human-caused mortalities against the cap, to shorten the hunting season by one month (removing April), and to use a 13% cap.

Opposition:

Comment: Stop all cougar hunting

Response: The Department supports its mission to preserve, protect, and perpetuate fish, wildlife, and ecosystems while providing sustainable fish and wildlife recreational and

commercial opportunities compatible with healthy and diverse fish and wildlife populations. WDFW believes that cougars are an incredibly important part of our wild landscape. WDFW wants to manage cougar populations to keep them healthy and thriving. WDFW manages for balance in populations that allow the continued cultural practices of our citizens and the assisted management of game species' populations through hunting practices, as expressed in our mission statement.

Comments: Proposal not warranted; No need to reduce opportunity, enough cougar to hunt more; Cougar numbers are high, leads to starvation and conflict; Threatens effective management of cougar populations; Throwing the ecosystem out of balance by reducing harvest

Responses: WDFW wants to manage cougar populations to keep them healthy and thriving. That means no overpopulation, which can lead to starvation, increased conflict, and disease, as well as creating an unbalanced ecosystem with deer and elk where they would likely experience higher predation rates. That also means not managing for a small or declining population, which can lead to genetic issues or even an overabundance of deer and elk if their top wild predator is not prevalent on the landscape. WDFW manages for balance in populations that allow the continued cultural practices of our citizens and the assisted management of game species' populations through hunting practices. Hunting is a right of citizens throughout the U.S. WDFW will continue to support that right so long as there is balance with cougar populations. The 13% cap matches the mean of the intrinsic growth rate of the statewide population. Removing that many individuals allows the population to stabilize, providing the balance that we hope to achieve for managing the cougar population in Washington until more research can be done.

Comment: Need more updated density estimates

Responses: WDFW hopes to invest in more cougar research in the future. For now, the 13% cap matches the mean of the intrinsic growth rate of the statewide population. Removing that many individuals allows the population to stabilize, providing the balance that we hope to achieve for managing the cougar population in Washington until more research can be done.

Comments: Counting all mortality towards the cap needlessly reduces opportunity; Public safety concerns from increased conflict; Punishing hunters instead of addressing conflict

Responses: Counting conflict and harvest mortality allows WDFW to manage the population following the intrinsic growth rate model, which accounted for all known conflict and harvest mortalities. Counting all other known human-related mortalities is a bit more difficult but should be a low number overall (i.e., poaching, roadkill). Additionally, WDFW hopes to reduce the high cougar conflict rates over the next few years following changes in policy and practice.

Comment: Ungulate abundance concerns

Response: WDFW manages deer and elk populations primarily through hunting opportunity. However, predator management may come into effect in specific situations where deer or elk populations are proven to have been negatively impacted by cougar predation.

Comments: Remove the sunset clause on the 20%; No sunset clause on cougar rule

Responses: The Commission decided to remove the sunset clause on the 20% cap portion of the rule. There is now no sunset clause on the rule.

Comment: Use hunters for cougar conflict resolution

Response: Unfortunately, WDFW currently has limited options that allow hunters to help with cougar conflict resolution. The Department hopes to develop better ways to include hunters in conflict resolution and will seek public involvement at that time.

Comment: Bring back hound hunting

Response: It is against legislation to bring back hound hunting, and therefore cannot be done.

Comments: Feels rushed, goes further than roll back; Goes against agency recommendation, listen to the biologists; Not science based

Responses: The Department stands with the Commission's decision for the cougar rule. The Commission used the numbers reported by WDFW's Science Division to craft the rule as it has been accepted.

Comment: Propose a year-round season; Allow a second tag

Response: The Department can increase the tags in areas where needed if the Commission sees a need to do so in the future, such as if harvest goals are not being reached and there is a secondary need, like elk calf predation, that calls for an increase in harvest in a specific area. WDFW will not recommend a year-round season, as there are many negatives to doing so. One of those negatives includes increased human pressure on ungulates during their breeding season.

Comment: Begin the season on Aug 1 to make up for loss of April

Response: The Commission considered adding August to the season but did not move forward on that consideration.

Comment: Should not use a statewide density estimate

Response: WDFW does not have enough density estimates that cover the entire state to use regional density estimates. It is also not predictive by cougar habitat selection, therefore, the

Department is using the most conservative and best estimate available – the mean of the densities that WDFW has available applied statewide.

Comments: 13% cap too restrictive, use 16%; Do not allow the increase to 20%

Responses: While 16% is within the estimated range of the cougar intrinsic growth rate, the Department supports the Commission’s decision to use a 13% cap (the median of the growth rate). WDFW also supports the decision to offer a 20% cap in areas that reach the cap before the season opens. This number was supported by the science that was presented by Department staff.

Comment: Don’t shorten the season length

Response: The season is only being shortened by 1 month to better align with the license year and to better track mortalities on an annual basis. If we kept April, those harvests would be counted against the next season’s cap each year. By removing April, we can start the counts fresh using conflict only, and there are still 7 months of cougar hunting available. WDFW will consider the addition of August for future rulemaking.

Comments: Mortality counts should start with the harvest season opening date; Clearly define “all human caused mortality”

Responses: WDFW cannot start counting mortalities on September 1, or the months of April – September would not be counted. This would go against the Department’s intrinsic growth rate model. If counted, then those mortalities would likely be counted to the next season, which would keep the counts rolling from April through March either way. By using the license year, WDFW can account for all mortalities, as the intrinsic growth rate model accounted for. While the model only accounted for conflict and harvest mortalities, the Commission decided to count all known human-caused mortalities, which includes poaching and roadkill as well. Generally, those numbers are very low and will hardly impact the cap. The Department supports the Commission’s decision to count all known human-caused mortalities.

Comments: Politically driven anti-hunting agenda; Don’t make decisions based on lobbying groups that do not reside in WA state; Follow the North American Model of Conservation; Commission should focus on bigger issues than annual fishing and hunting regulations; Eroding public trust; Maintain current season and guidelines

Responses: Science-based management is at the core of WDFW and the North American Model of Conservation. The Commission’s direction for this rule is based off the science that was presented by Department staff based on the most up to date data that we had available on cougar populations in Washington at the time.