



## PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

### CONTACT INFORMATION *(please type or print)*

Petitioner's Name Brad Thomson  
Name of Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City Camden State WA Zip Code \_\_\_\_\_  
Telephone \_\_\_\_\_ Email \_\_\_\_\_

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: WDFW

☒ **1. NEW RULE - I am requesting the agency to adopt a new rule.**

☒ The subject (or purpose) of this rule is: Please See Attached

☒ The rule is needed because: Please See Attached

☒ The new rule would affect the following people or groups: Please See Attached

☐ **2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

☐ I am requesting the following change: \_\_\_\_\_

☐ This change is needed because: \_\_\_\_\_

☐ The effect of this rule change will be: \_\_\_\_\_

☐ The rule is not clearly or simply stated: \_\_\_\_\_

☐ **3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

☐ It does not do what it was intended to do.

☐ It is no longer needed because: \_\_\_\_\_

☐ It imposes unreasonable costs: \_\_\_\_\_

☐ The agency has no authority to make this rule: \_\_\_\_\_

☐ It is applied differently to public and private parties: \_\_\_\_\_

☐ It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: \_\_\_\_\_

☐ It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: \_\_\_\_\_

☐ Other (please explain): \_\_\_\_\_

Hello,

Please find attached my "Petition to Adopt, Amend / or Repeal an Administrative Rule" form.

I have checked box, "2. Amend Rule – I am requesting the agency to change an existing rule."

As per the questions associate with the form"

"The subject (or purpose) of this rule is: "Immediately begin Rule Making to Amend the Cougar Management Removal Permit Program and RCW 771.15.245 **and** WAC 220-440-030"

The subject (or purpose) of this rule **is also**: Immediately begin Rule Making to Amend the Commissions exclusion of Predator Hunters / Predator Callers in cases of Cougar Conflict, Public Safety and Damage.

<https://wdfw.wa.gov/hunting/special-hunts/cougar>

This petition will address issues regarding:

**RCW 771.15.245**

***Subsection (2) Notwithstanding RCW 77.12.240, 77.36.030, or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, or bobcat with the aid of a dog or dogs.***

***Subsection (2) (a) Nothing in this subsection shall be construed to prohibit the hunting of black bear, cougar, or bobcat with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director.***

***Subsection (3) Notwithstanding subsection (2) of this section, the commission may authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the condition in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.***

**WAC 220-440-030**

***Subsection (3) Public safety cougar removal criteria:***

***Subjection (3 (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.*

*Subsection (4) Public safety cougar removal permit issuance procedure.*

*Subsection (4) (b) To be eligible for a public safety cougar 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.*

Request the Commission require the Department develop and maintain a list of Predator Hunters / Predator Callers for use in cases of Cougar conflict.

From the 'Excerpt from the Game Management Plan July 2015 – June 2021 page 43 section "Carnivore {bear,cougar,wolf} Depredation on Livestock" section h. "utilize agency kill authority and depredation permits, when feasible, for carnivore depredations on livestock, consistent with state and federal law."

Again and again we see in the Game Management Plan it is the Commission has the authority and it is the Commission is the entity to determine when no other practical alternative to the use of dogs exists, it is the commission who adopts rules describing the conditions in when dogs may be used.

If a Cougar Management removal is deemed necessary, Predator Callers / Predator Hunters should be afforded the consideration just as hound hunters are considered.

For a template of how a Cougar Removal Permit Program could be designed one need only look to the current 'Cougar Management Removal Permit Program' for language.

<https://wdfw.wa.gov/hunting/special-hunts/cougar>

It is my request that the Commission mandate the Department immediately create a data base of experienced Predator Hunters / Predator Callers for use in the Cougar Management Removal Permit Program.

Currently there are those within the Department and the Commission who have the mistaken belief that Cougars are 'Dangerous Game Animals' and can only effectively and safely be removed in cases of Damage or Conflict Removals with the use of Hounds. (I have heard this stated from Department staff again and again)

As noted above in RCW 77.15.245 Subsection (3) we read "This authority may only be exercised after **the commission** has determined that no other practical alternative to the use of dogs

exists, and after **the commission** has adopted rules describing the conditions in which dogs may be used.

As noted in RCW 771.15.245 Section (2) (a) last sentence of the paragraph, "A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned **by the director.**"

One may say the exemptions in the law for the use of hunting cougars is necessary due to its effectiveness as a method of take, yet in light of Initiative 655 others say the exemptions are no longer necessary to protect a method of harvest whose time has passed, with public approval not supportive of the running down of cougars with dogs to kill them.

This petition brings to light the Commissions lack of understanding and/or bias against an equally effective method of dealing with problem Cougars and that is Predator Calling.

The language in the RCW's is pretty clear.

'This authority may only be exercised after **the commission** has determined that no other practical alternative to the use of dogs exists'

Where did the Commissioners get their data, where did the Commission get their 'Science', that using dogs is the only alternative?

Some do not believe in Calling Cougars and instead stick to their historical beliefs that the only way to target a conflict or damage Cougar is with Hounds.

It is my request that the Commission exercise their authority and mandate the Department develop a database of proven experienced Predator Callers / Predator Hunters for use in the Cougar Management Removal Program.

There is no evidence to support that mistaken belief that Predator Calling is not equal to using dogs.

The evidence is not there that hound hunting is more effective than predator calling.

"The science is not there"

I have provided resource materials within this petition in support of my request.

Predator Calling and Predator Hunting Equipment Sales are a multi million dollar industry in this country.

Let the Predator Callers / Predator Hunters do what they do best.

Move the Department away from the exclusive use of hounds to remove problems cougars.

The Department maintains a list of Hound Hunters they work with.

It's time the Department also have a list of experienced Predator Hunters / Predator Callers they work with.

Calling Cougars works.

Predator Calling is considered to be fair chase and is thought to be ethical by the public as the offending predator is being calling in to respond and has an equal opportunity.

If sitting on the ground calling Cougars was as dangerous and unsafe as some may say, certainly there would be news reports or books written about the horrors of Predator Calling.

But there are not.

If the public found Predator Calling to be unethical certainly the WDFW Commission would be dealing with lawsuits or outright demands to ban the practice of sitting on the ground calling in Cougars as a hunting method.

But there are not.

Predator Calling is both effective and ethical.

How does the Department find or verify skilled Predator Callers, those with the courage to sit on the ground and attract damage or public safety causing Cougars in to them?

How do you recognize an experienced Predator Hunter?

1. They own a variety of Predator Calls.
2. Likely they own products from Dr. Ed Sceery, FOXPRO or Randy Anderson, maybe Lucky Dog, or RRR Calls.
3. You will find their names in books such as The Pope and Young Club Book of Big Game Records, or The Boone and Crockett Book of Big Game Records or the Washington State Book of Big Game Records.
4. They own books such as "Calling Cougars – The Ultimate Predator Hunt" by retired Elected Sheriff Tim Roberts, or maybe "Callin' Cougar And Cagin' Cats" by Doug Boze.
5. They may have read and watched the Oregon Department of Fish and Wildlife written and video series, "10 ways to be a better cougar hunter" which includes actual Cougar Calling demonstrations and provides in depth advice and tips for success.  
<https://myodfw.com/articles/10-ways-be-better-cougar-hunter>
6. They understand and know how to use terrain, wind, foliage, cover and concealment when setting up a calling stand.
7. They know how to create calling sequences, or scenarios, using a variety of sounds at different volume, and pitches, understanding the use of pauses and volume variations.
8. They know, they use, and they understand the subtle differences in the sounds needed of each prey animal vocalization they replicate. They know a Jack Rabbit Distress sound is different from a Snowshoe Rabbit Distress, they know the difference between a fawn distress call and a calf distress vocalization. They know and can produce a wide variety of Black Bear vocalizations, Cougar vocalizations, Coyote vocalizations. They know the difference between and when to use a bird alarm vocalization, they know when to use a 'fight' vocalization, a distress vocalization, a sow in heat, a cougar in heat, a bear cub



bawl versus a coyote pup call versus a cougar cub in distress call. They understand Raccoon fight vocalizations are extremely effective and how to use such a vocalization sequence.

9. They understand the difference between calling a Bear versus calling a Cougar versus Calling Coyotes.
10. They own and understand how to use decoys in conjunction with a variety of calling sequences to trigger a predatory response from large Carnivores.
11. They understand blowing on the same single sound non stop for an hour is pretty much useless.
12. Predator Hunters are fearless as Cougars approach them from an unknow directions, at an unknown speed from thick cover. All they know is once the Predator commits to come in things will happen very fast.

It is not something the common person wants to do or will do.

Predator Hunters have a Unique Skill and should be used in Damage, Conflict and Public Safety needs.

It's up the Department and Commission to recruit Predator Callers / Predator Hunters in times of Conflict, Damage and Public Safety Removals.

Not all Hunters or Department Staff want to deal with a Cougar that just attacked a person or killed someone's animals by sitting on the ground and calling them in.

I get that.

Predator Hunters will.

There are people who are very good at calling Large Predators.

The benefits of using Predator Hunters for damage and conflict removals of Cougars, improves the optics to the general public rather than the exclusive use of hounds in cases of conflict Cougar removals.

Sometimes there is not enough open country to turn a pack of hounds loose.

A perfect time to bring in a Predator Caller / Predator Hunter in those cases of Conflict Cougar Removals.

There is a lot of language authorizing the Commission, WDFW Staff, and Agents of to use dogs in cases of Conflict / Damage / Public Safety removals of Cougars.

Whatever the eventual Conflict Removal Section of the upcoming Game Management Plan / Carnivore Management Plan looks like, there will be less public acceptance for the continued exclusive use of dogs when Predator Callers / Predator Hunters are available with the necessary skills and equipment to Call in a Cougar in times of necessary removals.

***RCW 77.15.245 (3) (3) Notwithstanding subsection (2) of this section, the commission may authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.***

Currently I read nowhere in the WDFW "Cougar Management Removal Permit Program" a step or an option to allow for Predator Calling / Predator Hunters.

Rather, I do read,

***"To be eligible for a cougar management removal permit (permit), the participant must be a Washington resident dog hunter (i.e., owns and hunts with dogs capable of detecting, tracing, and treeing a cougar). The permit holder must use dogs while participating in a cougar management removal"***

I respectfully request the Commission direct the Department to develop a parallel list of skilled and experienced Predator Callers / Predator Hunters for use in cases of conflict, public safety and damage.

Then, that would of course necessitate;

"Immediately begin Rule Making to Amend the Cougar Management Removal Permit Program and RCW 77.15.245 **and** WAC 220-440-030"

***and***

"Immediately begin Rule Making to Amend the Commissions exclusion of Predator Hunters / Predator Callers in cases of Cougar Conflict, Public Safety and Damage".

If the use of dogs is so important it is specifically addressed in the RCW's, it is equally important to provide the same respect and use of Predator Callers / Predator Hunters in cases of Cougar Removals.

The use of dogs is no more effective than the use of Predator Calling / Predator Hunting in cases of necessary Conflict Cougar Removals.

The Department has a process to verify the experience and skill of the hound hunters to ensure they have the correct dogs and the correct equipment.



Mandate the Department put that same amount of effort into developing a list of experienced skilled Predator Callers / Predator Hunters who have the correct equipment and skill for use in times of necessary removals of Conflict / Damage / Public Safety Cougars.

"Immediately begin Rule Making to Amend the Cougar Management Removal Permit Program and RCW 771.15.245 **and** WAC 220-440-030"

***and***

"Immediately begin Rule Making to Amend the Commissions exclusion of Predator Hunters / Predator Callers in cases of Cougar Conflict, Public Safety and Damage".

Thank-you



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**Cougar Management Removal Permit Program**

## Also in this section

# Cougar Management Removal Permit Program

## Hunting

[Seasons and regulations \(/hunting/regulations\)](#)

[Hunting education and requirements \(/hunting/requirements\)](#)

[Managing game populations \(/hunting/management\)](#)

Currently there are no management needs warranting this permit program. The department will update this site as necessary.



*Brad Whitcher*

**Special hunt permits and raffles (/hunting/special-hunts)**

If warranted a cougar

management removal will be conducted annually between December 1 and March 31 in selected areas of game management units designated by the director.

[Places to go hunting \(/hunting/locations\)](#)

- To participate in a cougar management removal, an individual must request that his/her name be placed on a list of available participants (participant list) by registering on the department's authorized website

or faxing a request to (360) 902-2162, Attention - Cougar Management Removal. The request must include the individual's name, Wild ID, phone number, and email address. An individual's request to be placed on a participant list for a removal period must be submitted on the department's website or received at the department's Olympia office no later than **October 31** of each year. The department is not accepting names of participants at this time.

- To be eligible for a cougar management removal permit (permit), the participant must be a Washington resident dog hunter (i.e., owns and hunts with dogs capable of detecting, tracking, and treeing a cougar). The permit holder must use dogs while participating in a cougar management removal.
- Individuals eligible for participation in a cougar management removal will be randomly selected from the participant list.
- Individuals on the participant list will be contacted on an as-needed basis to conduct removals in portions of GMUs. Not all individuals on the participant list will be contacted in a given year.
- A valid big game hunting license which includes cougar as a species option is required to hunt cougar.
- It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit.
- 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, the date and location of kill, and the 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.

#### **Season, quotas, and participation**

- Cougar management removal(s) will be conducted between December 1 and March 31 in selected areas of game management units

designated by the Director to address a confirmed human-cougar safety incident or confirmed livestock or pet depredation.

- Public safety cougar removals will be based on a harvest guideline system established in WAC 220-440-030, where permit holders may hunt cougar until the hunt area harvest guideline has been met and the Director has closed the cougar late hunting season or March 31, whichever is first.
- It is each cougar hunter's responsibility to verify if the cougar 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 (1-866-364-4868) or visiting [wdfw.wa.gov](http://wdfw.wa.gov). The hotline and website will be updated weekly beginning Jan. 1.
- No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar. **For more information contact:** Wildlife Program – Wildlife Conflict Section, PO Box 43141, Olympia, WA 98504, or (360) 902-2515, or by e-mailing at [wildthing@dfw.wa.gov](mailto:wildthing@dfw.wa.gov) (<mailto:wildthing@dfw.wa.gov>).

*Disclosure Notice: Any information you submit to the Washington Department of Fish and Wildlife is subject to public disclosure under Washington's Public Records law, [RCW 42.56](#).*



## About

### Top tasks

Log in to the WILD licensing website  
(<https://fishhunt.dfw.wa.gov/#/login>)

Get razor clam information  
([/fishing/shellfishing-regulations/razor-clams](#))

Event Calendar ([/get-involved/calendar](#))

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