



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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FILED

DATE: April 30, 2024

TIME: 10:02 AM

WSR 24-10-080

Agency: Washington Department of Fish and Wildlife (WDFW) P2024-07

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR _____ ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW 34.05.320 Rule Petition approved December 15, 2023.

Title of rule and other identifying information: (describe subject) WAC 220-415-100 Cougar hunting seasons and regulations.

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|------------------|-----------|-------------------------|--|
| June 21-22, 2024 | 8:00 a.m. | Vancouver, WA - Hybrid | Information on how to register to testify at the public hearing is available at: https://wdfw.wa.gov/about/commission/meetings#public-testimony or contact the Commission office at |

Date of intended adoption: On or after July 19 (Note: This is NOT the effective date)

Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA 98504

Email: 2024courgarseasonsetting@publicinput.com

Fax: (360) 902-2162

Other: <https://publicinput.com/g5637>

To Comment by Phone: 855-925-2801 Project Code 1261

By (date) June 21, 2024

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator

Phone: (360) 902-2349

Fax:

TTY: 1-800-833-6388 or 711

Email: Title6@dfw.wa.gov

Other: <http://wdfw.wa.gov/accessibility/requests-accommodation>

By (date) June 21, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This rule proposal is responding to and supporting a rule petition that the Commission accepted on December 15, 2023. The petition requests that the department to 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.
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.
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. This section will sunset at the end of the 2024-2025 season.

Reasons supporting proposal: The proposal incorporates the Commission's intent for rule changes based on an accepted rule petition. The rule proposal seeks to maintain biologically sustainable cougar hunting seasons.

Statutory authority for adoption: RCW 77.04.012, 77.04.020 77.04.055, 77.08.030, 77.15.010, 77.15.020, 77.15.160 77.15.240, 77.15.280, and 77.15.410.

Statute being implemented: RCW 77.04.012, 77.04.020 77.04.055, 77.08.030, 77.15.010, 77.15.020, 77.15.160 77.15.240, 77.15.280, and 77.15.410.

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Washington Department of Fish and Wildlife.

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|-----------------|--------------|--|----------------|
| Drafting: | Eric Gardner | 1111 Washington St. SE Olympia, WA. 98501 | (360) 902-2515 |
| Implementation: | Eric Gardner | 1111 Washington St. SE Olympia, WA. 98501 | (360) 902-2515 |
| Enforcement: | Steve Bear | 1111 Washington St. SE Olympia, WA. 98501 | (360) 902-2373 |

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

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:

TTY:

Email:

Other:

No: Please explain: This proposal does not require a cost benefit analysis under RCW 34.05.328

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: May 1, 2024

Name: Scott Bird

Title: WDFW Agency Rules Coordinator

Signature:



WAC 220-415-100 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)~~) "cap" is based on the best available estimate of cougar density and growth rate. Currently those parameters are estimated at 2.3 cougars per 100 square kilometers and 13 percent intrinsic growth rate. The cap includes all known human-related independent-aged cougar mortality (including harvested cougars, cougars killed in response to conflicts, and any other form of human-caused cougar mortality).

(2) (~~(Early)~~) General cougar season is September 1st to (December 31st, late general cougar season is January 1st to April 30th of the following year) March 31st. Hunters can use any legal weapon to hunt cougars.

~~(Harvest guidelines:~~

~~(Implied density in parentheses))~~ (3) 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. This section will sunset at the end of the 2024-2025 season.

Cap:

| Population Management Unit (PMU) | Hunt Area | ((Harvest Guideline)) 13 percent Cap | 20 percent |
|---|--|--|-------------------|
| 1 | GMU 101 | ((7-11 (2.6))) 8 | 13 |
| 2 | GMU 105 | ((4 (3.72))) 2 | 3 |
| 3 | GMUs 108, 111 | ((9-11 (3.63))) 6 | 8 |
| 4 | GMU 113 | ((4-5 (1.91))) 5 | 8 |
| 5 | GMU 117 | ((11-13 (3.57))) 7 | 11 |
| 6 | GMU 121 | ((9-11 (3.65)*)) 6 | 8 |
| 7 | GMUs 124, 127, 130 | ((7-9 (2.15))) 8 | 12 |
| 8 | GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381 | None | None |
| 9(**) | GMUs 149, 154, 162, 163 | ((7-9 (3.56)*)) 4 | 5 |
| 10(**) | GMUs 145, 166, 175, 178 | ((6-7 (3.51))) 5 | 7 |
| 11(**) | GMUs 169, 172, 181, 186 | ((5-6 (3.68))) 3 | 5 |
| 12 | GMU 203 | ((4-5 (1.91))) 5 | 8 |
| 13 | GMU 204 | ((6-8 (2.17))) 7 | 11 |
| 14 | GMUs 209, 215 | ((3-4 (1.91))) 4 | 6 |
| 15 | GMUs 218, 231 | ((4-5 (1.91))) 5 | 8 |
| 16 | GMU 224 | ((2 (1.91))) 2 | 4 |
| 17 | GMUs 233, 239 | ((4-5 (2.42))) 4 | 6 |
| 18 | GMUs 242, 243 | ((5-6 (2.28))) 5 | 8 |
| 19 | GMUs 244, 246, 247 | ((4-6 (1.91))) 6 | 9 |
| 20 | GMUs 245, 250 | ((4-6 (1.91))) 6 | 9 |

| Population Management Unit (PMU) | Hunt Area | ((Harvest Guideline)) 13 percent Cap | 20 percent |
|----------------------------------|---|---|-------------------|
| 21 | GMUs 249, 251 | ((4-6(1.91))) <u>6</u> | <u>9</u> |
| 22 | GMUs 328, 329, 335 | ((8-10(2.79))) <u>7</u> | <u>10</u> |
| 23 | GMUs 336, 340, 342, 346 | ((9-11(3.61))) <u>6</u> | <u>9</u> |
| 24 | GMUs 352, 356, 360, 364, 368 | ((7-9(2.9))) <u>6</u> | <u>9</u> |
| 25 | GMUs 382, 388 | ((3(1.91))) <u>3</u> | <u>5</u> |
| 26 | GMU 407 | None | <u>None</u> |
| 27 | GMUs 418, 426, 437 | ((10-13(1.91))) <u>13</u> | <u>20</u> |
| 28 | GMUs 448, 450 | ((8-11(1.91))) <u>11</u> | <u>17</u> |
| 29 | GMU 454 | None | <u>None</u> |
| 30 | GMU 460 | ((4-6(1.91))) <u>6</u> | <u>9</u> |
| 31 | GMUs 466, 485, 490 | ((2-3(1.91))) <u>3</u> | <u>4</u> |
| 32 | GMUs 501, 504, 506, 530 | ((6-9(1.91))) <u>9</u> | <u>13</u> |
| 33 | GMUs 503, 505, 520, 550 | ((5-7(1.91))) <u>7</u> | <u>11</u> |
| 34 | GMUs 510, 513 | ((3(1.91))) <u>3</u> | <u>5</u> |
| 35 | GMU 516 | ((3-4(1.91))) <u>4</u> | <u>6</u> |
| 36 | GMUs 524, 554, 556 | ((3(1.91))) <u>3</u> | <u>4</u> |
| 37 | GMU 560 | ((4-5(1.91))) <u>5</u> | <u>8</u> |
| 38 | GMU 564 | ((1(1.91))) <u>1</u> | <u>2</u> |
| 39 | GMU 568 | ((3(2.74))) <u>2</u> | <u>4</u> |
| 40 | GMU 572 | ((2-3(1.91))) <u>3</u> | <u>5</u> |
| 41 | GMUs 574, 578 | ((5-6(2.82))) <u>4</u> | <u>6</u> |
| 42 | GMUs 601, 602, 603, 612 | ((4-6(1.91))) <u>6</u> | <u>9</u> |
| 43 | GMUs 607, 615 | ((3-4(1.91))) <u>4</u> | <u>6</u> |
| 44 | GMUs 618, 636, 638 | ((3-5(1.91))) <u>5</u> | <u>7</u> |
| 45 | GMUs 621, 624, 627, 633 | None | <u>None</u> |
| 46 | GMUs 642, 648, 651 | ((6-8(2.18))) <u>7</u> | <u>11</u> |
| 47 | GMUs 652, 666 | None | <u>None</u> |
| 48 | GMUs 653, 654 | ((4-5(1.91))) <u>5</u> | <u>8</u> |
| 49 | GMUs 658, 660, 663, 672, 673, 681, 684, 699 | ((8-11(1.91))) <u>11</u> | <u>16</u> |
| 50 | GMU 667 | ((6-7(3.48))) <u>4</u> | <u>6</u> |

~~((* Adjusted to stay within realistic density.~~

~~** A second cougar may be harvested in the hunt area with the purchase of a second cougar transport tag.))~~

~~((a) In hunt areas with a ((harvest guideline)) cap, the cougar ((late)) hunting season ((may)) shall close ((on or after January 1st)) in one or more ((GMUs)) PMUs if cougar ((harvest)) mortality meets or exceeds the ((guideline)) cap.~~

~~((b) In hunt areas with a ((harvest guideline, starting January 1st)) cap, cougar hunters may hunt cougar ((from January 1st)) until the hunt area ((harvest guideline)) cap has been met, and the department has notified licensed cougar hunters by posting the hunt area closure on the department's website and on the toll-free cougar hunting hotline, or ((April 30th)) March 31st, whichever occurs first.~~

~~(((3) Harvest guideline) (4) Cap system:~~

~~((a) ((All cougar of the appropriate age class killed by licensed hunters during the early and late hunting seasons, shall be counted toward the harvest guideline.)) The cap includes all known human-rela-~~

ted independent-aged cougar mortality (including harvested cougars, cougars killed in response to conflicts, and any other form of known human-caused cougar mortality).

(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))~~ cap.

(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))~~ cap. Cougar hunters can verify if the season is open or closed by calling the toll-free cougar hunting hotline or visiting the department's website.

~~((4))~~ (d) The department may close hunting in any 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.

(5) 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 cougar per license year statewide ~~((and one additional cougar per license year may only be harvested from the following PMUs 9, 10, and 11));~~ excluding removals authorized under WAC 220-440-030. One cougar transport tag is included with a big game hunting license that has cougar as a species option. ~~((A second cougar transport tag must be purchased to take a second cougar in PMUs 9, 10, and 11; which are comprised of the following GMUs: 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186. Hunters may only purchase the second transport tag after having purchased a license which includes cougar as a species option.))~~ 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 220-440-030 and 220-412-130).

(d) Any person who takes a cougar must comply with the notification and sealing requirements in WAC 220-400-050.

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