

**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Rules repealed as part of this rulemaking: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.

Department staff drafted language for a proposed rule amendment based on the Commission’s guidance, which was made available for public comment in May and June 2024. In addition to receiving written public comments, the Commission hear public testimony at the June 20-21, 2024, Commission meeting. The Commission met on July 19 and voted to approve changes to the cougar hunting season and regulations (WAC 220-415-100).

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

The Commission after considering a rulemaking petition, public comments, and substantial information from WDFW staff in rulemaking hearings and scientific presentations, voted to make several changes to the cougar hunting season and regulations rule (WAC 220-415-100). Changes include adding a mortality counting period of April 1 – March 31, replacing the concept of “harvest guideline” with a 13 % cap that may be increased to 20% if the 13% cap is reached prior to the season opening unless the department concludes hunting in any PMU should be closed for biological reasons prior to the cap being reached, shortening the potential hunting season, and reducing the potential two cougar bag limit in some PMUs to a consistent statewide bag limit of one per license year.

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) on the 20% increase was removed.

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.

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 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. 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; rather, the removals should help to reduce conflict by opening up available territories to transient individuals.

Comment: Eliminate trophy hunting.

Response: WDFW does not manage for "trophy" hunting. The Department manages for sustainable harvest as opportunity allows.

Comment: Cougars should be managed for all people.

Response: WDFW manages cougars in accordance with its legislative mandate, RCW 77.04.012. That mandate includes a thoughtful balancing of conservation efforts and public recreational game hunting opportunities of all citizens, including juvenile, disabled, and senior citizens. WDFW will continue to support cougar recreational game hunting opportunities 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, as well as additional public comment received in the rulemaking

process and additional scientific information provided by Department scientists. 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 unless the cap is reached prior to the season opening, then it increases to a 20% cap. This is to increase hunting opportunity in some PMUs with high conflict removals.

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 legislative mandate and 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, in accordance with its legislative mandate. WDFW will continue to support recreational cougar hunting opportunities 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 as more research occurs.

Comments: Counting all mortality towards the cap needlessly reduces opportunity; 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).

Comment: Public safety concerns from increased conflict.

Response: 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 for those ungulate species. We don't currently manage cougar populations to reduce their density. Cougar hunting is not meant to be used to benefit ungulate populations. We manage cougars for stability and territoriality. 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 as those ideas are further developed.

Comment: Bring back hound hunting.

Response: Initiative Measure No. 655, approved November 5, 1996, established a general prohibition on the use of dogs in hunting or pursuing black bear, cougar, or bobcat – now codified in RCW 77.15.245(2). It is beyond the department's statutory authority to bring back hound hunting, and therefore cannot be done in this rulemaking.

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

Responses: The Commission used the numbers reported by WDFW's Science Division to craft the rule as it has been adopted. The rulemaking process occurred over more than six months, during which the Commission heard extensive public comment and made additional changes from the proposed rule to the final rule in response to public comment.

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 September through March timeframe offers ample cougar hunting opportunity (7 months). This better aligns with the license year and better tracks mortalities on an annual basis. Historically, very few cougars have been harvested in April, thus little hunting opportunity is lost.

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

Responses: Our license year starts April 1. WDFW cannot start counting mortalities on September 1, or the months of April – August (5 months) would not be counted towards the mortality rate and would go against the Department’s intrinsic growth rate model, which accounts for conflict and harvest on a year-round basis. 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. Department staff 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. The Commission heard extensive public comment and made additional changes from the proposed rule to the final rule in response to public comment.