

**WSR 22-11-089
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 2022-11—Filed May 18, 2022, 9:02 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-24-082 on November 30, 2021.

Title of Rule and Other Identifying Information: WAC 220-415-100 Cougar hunting seasons and regulations.

Hearing Location(s): On June 23-25, 2022, at 8:00 a.m., at Natural Resources Building (NRB), Room 175, 1111 Washington Street S.E., Olympia, WA 98504. Information on how to register to testify at the public hearing is available at <http://wdfw.wa.gov/about/commission/meetings> or contact the commission office at 360-902-2267.

Date of Intended Adoption: July 15, 2022.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email 2022CougarSeasonCR102@PublicInput.com, fax 360-902-2162, <https://publicinput.com/2022CougarSeasonCR102>, comment by phone 855-925-2801, project code 2297, by June 25, 2022.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by June 25, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendments to WAC 220-415-100 Cougar hunting seasons and regulations, is to provide an additional recreational cougar hunting opportunity in specific geographic areas with the primary purpose of addressing a cougar and ungulate management concern by using recreational hunting through a second cougar harvest opportunity in identified game management units (GMUs). If the proposed amendments are adopted, Washington department of fish and wildlife (WDFW) would expect an increase in cougar harvest in the GMUs that constitute the population management units (PMU) 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 Mountain elk population. This amendment would also add the cougar PMU number to each of the hunt areas. These amendments, if adopted, would provide an additional hunting opportunity to hunters who may elect to pursue a second cougar within the identified GMUs, and clearly identify the PMU numbers and the GMUs associated with each.

Reasons Supporting Proposal: 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. 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 harvest guidelines for those PMUs where the 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.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.08.030.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.08.030.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: If adopted, the proposed amendments would be implemented for the 2022-2023 cougar seasons and be effective by the season open date of September 1, 2022.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; Enforcement: Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule is for recreational hunting opportunity and does not affect small businesses.

May 18, 2022
Annie Szvetcz
Rules Coordinator

OTS-3792.2

AMENDATORY SECTION (Amending WSR 20-11-020, filed 5/12/20, effective 6/12/20)

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.

(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. Hunters can use any legal weapon to hunt cougars.

Harvest guidelines:

(Implied density in parentheses)

Population Management Unit (PMU)	Hunt Area	Harvest Guideline
<u>1</u>	GMU 101	7-11 (2.6)

Population Management Unit (PMU)	Hunt Area	Harvest Guideline
<u>2</u>	GMU 105	4 (3.72)
<u>3</u>	GMUs 108, 111	9-11 (3.63)
<u>4</u>	GMU 113	4-5 (1.91)
<u>5</u>	GMU 117	11-13 (3.57)
<u>6</u>	GMU 121	9-11 (3.65)*
<u>7</u>	GMUs 124, 127, 130	7-9 (2.15)
<u>8</u>	GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381	None
<u>9**</u>	GMUs 149, 154, 162, 163	7-9 (3.56)*
<u>10**</u>	GMUs 145, 166, 175, 178	6-7 (3.51)
<u>11**</u>	GMUs 169, 172, 181, 186	5-6 (3.68)
<u>12</u>	GMU 203	4-5 (1.91)
<u>13</u>	GMU 204	6-8 (2.17)
<u>14</u>	GMUs 209, 215	3-4 (1.91)
<u>15</u>	GMUs 218, 231	4-5 (1.91)
<u>16</u>	GMU 224	2 (1.91)
<u>17</u>	GMUs 233, 239	4-5 (2.42)
<u>18</u>	GMUs 242, 243	5-6 (2.28)
<u>19</u>	GMUs 244, 246, 247	4-6 (1.91)
<u>20</u>	GMUs 245, 250	4-6 (1.91)
<u>21</u>	GMUs 249, 251	4-6 (1.91)
<u>22</u>	GMUs 328, 329, 335	8-10 (2.79)
<u>23</u>	GMUs 336, 340, 342, 346	9-11 (3.61)
<u>24</u>	GMUs 352, 356, 360, 364, 368	7-9 (2.9)
<u>25</u>	GMUs 382, 388	3 (1.91)
<u>26</u>	GMU 407	None
<u>27</u>	GMUs 418, 426, 437	10-13 (1.91)
<u>28</u>	GMUs 448, 450	8-11 (1.91)
<u>29</u>	GMU 454	None
<u>30</u>	GMU 460	4-6 (1.91)
<u>31</u>	GMUs 466, 485, 490	2-3 (1.91)
<u>32</u>	GMUs 501, 504, 506, 530	6-9 (1.91)
<u>33</u>	GMUs 503, 505, 520, 550	5-7 (1.91)
<u>34</u>	GMUs 510, 513	3 (1.91)
<u>35</u>	GMU 516	3-4 (1.91)
<u>36</u>	GMUs 524, 554, 556	3 (1.91)
<u>37</u>	GMU 560	4-5 (1.91)
<u>38</u>	GMU 564	1 (1.91)
<u>39</u>	GMU 568	3 (2.74)
<u>40</u>	GMU 572	2-3 (1.91)
<u>41</u>	GMUs 574, 578	5-6 (2.82)
<u>42</u>	GMUs 601, 602, 603, 612	4-6 (1.91)
<u>43</u>	GMUs 607, 615	3-4 (1.91)

Population Management Unit (PMU)	Hunt Area	Harvest Guideline
<u>44</u>	GMUs 618, 636, 638	3-5 (1.91)
<u>45</u>	GMUs 621, 624, 627, 633	None
<u>46</u>	GMUs 642, 648, 651	6-8 (2.18)
<u>47</u>	GMUs 652, 666	None
<u>48</u>	GMUs 653, 654	4-5 (1.91)
<u>49</u>	GMUs 658, 660, 663, 672, 673, 681, 684, 699	8-11 (1.91)
<u>50</u>	GMU 667	6-7 (3.48)

* 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, the cougar late hunting season may close on or after January 1st in one or more GMUs if cougar harvest meets or exceeds the guideline.

(b) In hunt areas with a harvest guideline, starting January 1st, cougar hunters may hunt cougar from January 1st until the hunt area harvest guideline 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, whichever occurs first.

(3) Harvest guideline 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.

(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.

(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. 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) 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 ((1)) 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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, and 77.04.055. WSR 20-11-020 (Order 20-67), § 220-415-100, filed 5/12/20, effective 6/12/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-100, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and re-codified as § 220-415-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-297, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-066 (Order 15-99), § 232-28-297, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.15.245. WSR 13-16-056 (Order 13-180), § 232-28-297, filed 8/1/13, effective 9/1/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-28-297, filed 5/2/12, effective 6/2/12.]