

WSR 24-10-080
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-07—Filed April 30, 2024, 10:02 a.m.]

Original Notice.

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

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

Hearing Location(s): On June 21-22, 2024, at 8:00 a.m., in Vancouver, Washington, hybrid meeting. 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: On or after July 19, [2024].

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email 2024cougarseasonsetting@publicinput.com, fax 360-902-2162, <https://publicinput.com/g5637>, comment by phone 855-925-2801, project code 1261, by June 21, 2024.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov, <http://wdfw.wa.gov/accessibility/requests-accommodation>, by 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 fish and wildlife commission (commission) accepted on December 15, 2023. The petition requests that the department of fish and wildlife (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 1st and end March 31st.

(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.

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

Name of Proponent: Washington department of fish and wildlife, 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 proposal does not require a cost-benefit analysis 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).

Scope of exemption for rule proposal:

Is fully exempt.

April 30, 2024
Scott Bird
Rules Coordinator

OTS-5393.3

AMENDATORY SECTION (Amending WSR 22-16-031, filed 7/26/22, effective 8/26/22)

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
21	GMUs 249, 251	((4-6(1.91))) 6	9
22	GMUs 328, 329, 335	((8-10(2.79))) 7	10
23	GMUs 336, 340, 342, 346	((9-11(3.61))) 6	9
24	GMUs 352, 356, 360, 364, 368	((7-9(2.9))) 6	9
25	GMUs 382, 388	((3(1.91))) 3	5
26	GMU 407	None	None
27	GMUs 418, 426, 437	((10-13(1.91))) 13	20
28	GMUs 448, 450	((8-11(1.91))) 11	17
29	GMU 454	None	None
30	GMU 460	((4-6(1.91))) 6	9
31	GMUs 466, 485, 490	((2-3(1.91))) 3	4
32	GMUs 501, 504, 506, 530	((6-9(1.91))) 9	13
33	GMUs 503, 505, 520, 550	((5-7(1.91))) 7	11
34	GMUs 510, 513	((3(1.91))) 3	5
35	GMU 516	((3-4(1.91))) 4	6
36	GMUs 524, 554, 556	((3(1.91))) 3	4

Population Management Unit (PMU)	Hunt Area	((Harvest Guideline)) 13 percent Cap	20 percent
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-related 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.