

**Cougar Rules - Decision**

**TABLE OF CONTENTS**

Summary Sheet.....1

WAC 220-412-050 Landowner raffle hunts .....4

Recommended Adjustments.....11

Summary of Written Comment .....12

CR-102 .....15

## Summary Sheet

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**Meeting dates:** April 9-11, 2020

**Agenda item:** Cougar Rules - Decision

**Presenter(s):** Anis Aoude, Game Division Manager, Wildlife Program

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**Background summary:** Staff will brief the Commission on proposed amendments to WAC 220-415-100 Cougar hunting seasons and regulations.

The proposed changes are designed to give the commission four options to choose from relating to recreational cougar harvest guidelines. The non-status quo options are intended to extend seasons in areas where harvest has been historically high and where cougar human conflict is also high. The intended result of the longer season is to shift a proportion of cougar removal, currently carried out by agency personnel, to hunters.

- The first option is status quo with one caveat, the density we used to set the guideline is the median of five research projects that were conducted in Washington. The median is a better measure because it is not affected by outliers in the data. In the past we used the mean.
- The second option also uses a median density that is calculated using only adult cougars that are 24 months or older. This option reduces the guideline slightly, but sub-adult cougars harvested under this option would not count toward the guideline for season closure.
- The third option adjusts the guideline upward for units that exceeded the guideline by December 31 at least once in the past five years. The new guideline is based on the highest harvest in the past five years. In this option there is the assumption that density is higher in these areas. In two PMUs the guidelines in this option were adjusted so they did not exceed an assumed density 4.15 cougars per 100 square kilometers. This was intended to keep the density within an acceptable range based on research conducted in the western United States. This guideline includes adults and sub-adults.
- The fourth option is like option three, but only uses a density based on adult cougars and only counts adult cougars towards the guideline.

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**Staff recommendation:** The department recommends the commission adopt one of the options detailed in the proposed rule.

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**Policy issue(s) and expected outcome:** Depending on the option that the commission approves there is potential for an increase in cougar harvest that is within acceptable parameters based on the science.

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**Fiscal impacts of agency implementation:**

None.

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**Public involvement process used and what you learned:**

The department provided public input opportunity on proposed hunting seasons via the department website for a three-week time period. Additionally, we heard public oral testimony from individuals and organizations at the March 13, 2020 Commission meeting. Also the due to COVID-19 the comment period was extended to gather comments from those not able to attend the public meeting.

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Please see attachment A, public comment form.

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**Action requested and/or proposed next steps:**

A motion and vote by the commission to adopt one of the proposed options.

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AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

**WAC 220-415-100 ((2018-2019 and 2019-2020)) 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 1 to December 31, late general cougar season is January 1 to April 30 of the following year. Hunters can use any legal weapon to hunt cougars.

((Season dates and)) Harvest guidelines ((for each season)):

( ( <b>Hunt Area</b>	<b>Harvest Guideline</b>	<b>Early Hunting Season</b>	<b>Late Hunting Season</b>	<b>Legal Weapon</b>
GMU 101	7-9	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 105	2	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 108, 111	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 113	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 117	6-8	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 121	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 124, 127, 130	7-9	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 133, 136, 139, 142, 248, 254, 260, 262, 266, 269, 272, 278, 284, 290, 330, 334, 371, 372, 373, 379, 381	None	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 149, 154, 162, 163	4-5	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 145, 166, 175, 178	3-4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 169, 172, 181, 186	3	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 203	5	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 204	6-8	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon

( ( Hunt Area	Harvest Guideline	Early Hunting Season	Late Hunting Season	Legal Weapon
GMUs 209, 215	4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 218, 231	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 224	2	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 233, 239	4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 242, 243	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 244, 246, 247	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 245, 250	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 249, 251	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 328, 329, 335	6-7	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 336, 340, 342, 346	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 352, 356, 360, 364, 368	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 382, 388	3-4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 407	None	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 418, 426, 437	11-15	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 448, 450	10-13	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 454	None	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 460	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 466, 485, 490	3	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 501, 504, 506, 530	8-10	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 503, 505, 520, 550	6-8	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 510, 513	3-4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 516	4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 524, 554, 556	3	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 560	5-6	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 564	1	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 568	2	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 572	3	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 574, 578	4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 601, 602, 603, 612	5-7	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 607, 615	4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 618, 636, 638	4-5	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 621, 624, 627, 633	None	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 642, 648, 651	6-8	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 652, 666	None	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 653, 654	5	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMUs 658, 660, 663, 672, 673, 681, 684, 699	9-12	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon
GMU 667	3-4	Sept. 1 – Dec. 31	Jan. 1 – Apr. 30	Any Legal Weapon ) )

(Implied density in parentheses)

	<b><u>Option 1</u></b> <b><u>Status quo</u></b> <b><u>median density</u></b>	<b><u>Option 2</u></b> <b><u>Median density</u></b> <b><u>adult only</u></b>	<b><u>Option 3</u></b> <b><u>Extend season</u></b>	<b><u>Option 4</u></b> <b><u>Extend season</u></b> <b><u>and adult only</u></b>
<b><u>Hunt Area</u></b>	<b><u>Harvest</u></b> <b><u>Guideline</u></b>	<b><u>Harvest</u></b> <b><u>Guideline</u></b>	<b><u>Harvest</u></b> <b><u>Guideline</u></b>	<b><u>Harvest</u></b> <b><u>Guideline</u></b>
<u>GMU 101</u>	<u>8-10</u>	<u>6-8</u>	<u>11-13 (3.03)</u>	<u>7-11 (2.6)</u>
<u>GMU 105</u>	<u>2-3</u>	<u>2</u>	<u>4-5 (4.15)</u>	<u>4 (3.72)</u>
<u>GMUs 108, 111</u>	<u>5-7</u>	<u>4-6</u>	<u>10-12 (4.06)</u>	<u>9-11 (3.63)</u>
<u>GMU 113</u>	<u>5-7</u>	<u>4-5</u>	<u>5-7 (2.34)</u>	<u>4-5 (1.91)</u>
<u>GMU 117</u>	<u>6-8</u>	<u>5-7</u>	<u>12-14 (4.00)</u>	<u>11-13 (3.57)</u>
<u>GMU 121</u>	<u>5-7</u>	<u>4-6</u>	<u>10-12 (4.08)*</u>	<u>9-11 (3.65)*</u>
<u>GMUs 124, 127, 130</u>	<u>7-10</u>	<u>6-8</u>	<u>8-11 (2.58)</u>	<u>7-9 (2.15)</u>
<u>GMUs 133, 136, 139, 142, 248,</u> <u>254, 260, 262, 266, 269, 272, 278,</u> <u>284, 290, 330, 334, 371, 372, 373,</u> <u>379, 381</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>GMUs 149, 154, 162, 163</u>	<u>4-6</u>	<u>3-5</u>	<u>8-10 (3.99)*</u>	<u>7-9 (3.56)*</u>
<u>GMUs 145, 166, 175, 178</u>	<u>3-4</u>	<u>3-4</u>	<u>6-7 (3.94)</u>	<u>6-7 (3.51)</u>
<u>GMUs 169, 172, 181, 186</u>	<u>3-4</u>	<u>2-3</u>	<u>6-7 (4.11)</u>	<u>5-6 (3.68)</u>
<u>GMU 203</u>	<u>5-6</u>	<u>4-5</u>	<u>5-6 (2.34)</u>	<u>4-5 (1.91)</u>
<u>GMU 204</u>	<u>7-9</u>	<u>5-7</u>	<u>8-10 (2.6)</u>	<u>6-8 (2.17)</u>
<u>GMUs 209, 215</u>	<u>4-5</u>	<u>3-4</u>	<u>4-5 (2.34)</u>	<u>3-4 (1.91)</u>
<u>GMUs 218, 231</u>	<u>5-6</u>	<u>4-5</u>	<u>5-6 (2.34)</u>	<u>4-5 (1.91)</u>
<u>GMU 224</u>	<u>2-3</u>	<u>2</u>	<u>2-3 (2.34)</u>	<u>2 (1.91)</u>
<u>GMUs 233, 239</u>	<u>3-5</u>	<u>3-4</u>	<u>4-6 (2.85)</u>	<u>4-5 (2.42)</u>
<u>GMUs 242, 243</u>	<u>5-6</u>	<u>4-5</u>	<u>6-7 (2.71)</u>	<u>5-6 (2.28)</u>
<u>GMUs 244, 246, 247</u>	<u>5-7</u>	<u>4-6</u>	<u>5-7 (2.34)</u>	<u>4-6 (1.91)</u>
<u>GMUs 245, 250</u>	<u>5-7</u>	<u>4-6</u>	<u>5-7 (2.34)</u>	<u>4-6 (1.91)</u>
<u>GMUs 249, 251</u>	<u>5-7</u>	<u>4-6</u>	<u>5-7 (2.34)</u>	<u>4-6 (1.91)</u>
<u>GMUs 328, 329, 335</u>	<u>6-8</u>	<u>5-7</u>	<u>9-11 (3.22)</u>	<u>8-10 (2.79)</u>
<u>GMUs 336, 340, 342, 346</u>	<u>5-7</u>	<u>4-6</u>	<u>10-12 (4.04)</u>	<u>9-11 (3.61)</u>
<u>GMUs 352, 356, 360, 364, 368</u>	<u>5-7</u>	<u>4-6</u>	<u>8-10 (3.33)</u>	<u>7-9 (2.9)</u>
<u>GMUs 382, 388</u>	<u>3-4</u>	<u>3</u>	<u>3-4 (2.34)</u>	<u>3 (1.91)</u>
<u>GMU 407</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>GMUs 418, 426, 437</u>	<u>12-16</u>	<u>10-13</u>	<u>12-16 (2.34)</u>	<u>10-13 (1.91)</u>
<u>GMUs 448, 450</u>	<u>10-13</u>	<u>8-11</u>	<u>10-13 (2.34)</u>	<u>8-11 (1.91)</u>
<u>GMU 454</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>GMU 460</u>	<u>5-7</u>	<u>4-6</u>	<u>5-7 (2.34)</u>	<u>4-6 (1.91)</u>
<u>GMUs 466, 485, 490</u>	<u>3</u>	<u>2-3</u>	<u>3 (2.34)</u>	<u>2-3 (1.91)</u>
<u>GMUs 501, 504, 506, 530</u>	<u>8-11</u>	<u>6-9</u>	<u>8-11 (2.34)</u>	<u>6-9 (1.91)</u>
<u>GMUs 503, 505, 520, 550</u>	<u>6-8</u>	<u>5-7</u>	<u>6-8 (2.34)</u>	<u>5-7 (1.91)</u>
<u>GMUs 510, 513</u>	<u>3-4</u>	<u>3</u>	<u>3-4 (2.34)</u>	<u>3 (1.91)</u>
<u>GMU 516</u>	<u>4-5</u>	<u>3-4</u>	<u>4-5 (2.34)</u>	<u>3-4 (1.91)</u>
<u>GMUs 524, 554, 556</u>	<u>3-4</u>	<u>3</u>	<u>3-4 (2.34)</u>	<u>3 (1.91)</u>
<u>GMU 560</u>	<u>5-6</u>	<u>4-5</u>	<u>5-6 (2.34)</u>	<u>4-5 (1.91)</u>

	<u>Option 1</u> <u>Status quo</u> <u>median density</u>	<u>Option 2</u> <u>Median density</u> <u>adult only</u>	<u>Option 3</u> <u>Extend season</u>	<u>Option 4</u> <u>Extend season</u> <u>and adult only</u>
<u>Hunt Area</u>	<u>Harvest</u> <u>Guideline</u>	<u>Harvest</u> <u>Guideline</u>	<u>Harvest</u> <u>Guideline</u>	<u>Harvest</u> <u>Guideline</u>
<u>GMU 564</u>	<u>1</u>	<u>1</u>	<u>1 (2.34)</u>	<u>1 (1.91)</u>
<u>GMU 568</u>	<u>2-3</u>	<u>2</u>	<u>3-4 (3.17)</u>	<u>3 (2.74)</u>
<u>GMU 572</u>	<u>3-4</u>	<u>2-3</u>	<u>3-4 (2.34)</u>	<u>2-3 (1.91)</u>
<u>GMUs 574, 578</u>	<u>4-5</u>	<u>3-4</u>	<u>6-7 (3.25)</u>	<u>5-6 (2.82)</u>
<u>GMUs 601, 602, 603, 612</u>	<u>5-7</u>	<u>4-6</u>	<u>5-7 (2.34)</u>	<u>4-6 (1.91)</u>
<u>GMUs 607, 615</u>	<u>4-5</u>	<u>3-4</u>	<u>4-5 (2.34)</u>	<u>3-4 (1.91)</u>
<u>GMUs 618, 636, 638</u>	<u>4-6</u>	<u>3-5</u>	<u>4-6 (2.34)</u>	<u>3-5 (1.91)</u>
<u>GMUs 621, 624, 627, 633</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>GMUs 642, 648, 651</u>	<u>7-9</u>	<u>5-7</u>	<u>8-10 (2.61)</u>	<u>6-8 (2.18)</u>
<u>GMUs 652, 666</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
<u>GMUs 653, 654</u>	<u>5-6</u>	<u>4-5</u>	<u>5-6 (2.34)</u>	<u>4-5 (1.91)</u>
<u>GMUs 658, 660, 663, 672, 673, 681, 684, 699</u>	<u>10-13</u>	<u>8-11</u>	<u>10-13 (2.34)</u>	<u>8-11 (1.91)</u>
<u>GMU 667</u>	<u>3-4</u>	<u>3-4</u>	<u>6-7 (3.91)</u>	<u>6-7 (3.48)</u>

\* Adjusted to stay within realistic density.

(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, ~~and seasons authorized under WAC 220-440-030~~ 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; excluding removals authorized under WAC 220-440-030. 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).

(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, 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 recodified 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.]

## WAC 220-415-100 Cougar hunting seasons and regulations

### RECOMMENDED ADJUSTMENTS

The department recommends the following adjustments since the Code Reviser filed (CR-102). The adjustments are included in your notebooks.

#### Page 7

- Change: (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.

Rationale: The current rule language does not allow for options that consider only counting specific age classes towards the guideline. This change will allow for those options.

The current rule language includes cougars that are harvested through the public safety removal rule, WAC 220-440-030. It is not appropriate to count cougars harvested under this rule because those removals are intended to deal with public safety. We also intend to modify WAC 220-440-030 soon, and it is unclear how potential changes will affect WAC 220-415-100, thus it would be wise to keep them separate.

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:**

### WAC 220-415-100 Cougar hunting season

We received 733 total comments on this proposed rule change. One hundred and seventy-seven came through our online survey. Five hundred and fifty-five were emails and one letter.

#### **Written Supporting Comments:**

Fifty-two percent (89) of the online respondents indicated that they generally agreed with the proposed changes. Of those that generally agreed, thirty-four individuals provided written comment. Eighteen of those 34 indicated what option they supported: eight for option four, eight for option three, one for option two, and one for option one. Eight of the 34 people indicated that they would like to see more cougar hunting opportunity than we outlined in the proposed options. An additional eight indicated they would like to see hound hunting as a method for hunting cougar.

Of the emails received, only eight supported the proposed options. The options they supported were: five for option one, zero for option two, two for option three, and one for option four.

#### **Written Opposing, Neutral, and Other Comments:**

Thirty-four percent (58) of the online respondents indicated that they generally disagreed with the proposals. Of those that generally disagreed, fifty-five provided written comment. Only two picked a preferred option. One picked option four and one option three. The rest that disagree fell into four camps. Those that wanted hound hunting as a method (9), those that wanted more cougar hunting opportunity than provided in the options (25), those that wanted no change to the regulations (16), and those that wanted no cougar hunting (3).

Fourteen percent of the online respondents took a neutral position. Of those 11 provided written comment. Six wanted more cougar hunting opportunity. Two liked option four. One liked option three. Two wanted no cougar hunting.

Five hundred and forty-seven of the emails we received were generally in opposition. Five hundred and thirty-two of those were a form letter with the following language: "As a Washington resident, I am writing to urge you to not allow the cruel and unnecessary killing of Washington's iconic native carnivores in order to boost prey populations. This proposed bill will not only hurt the carnivore population but also do little to boost prey species populations in the long term.

I urge you to please consider these comments and help protect these beautiful animals. Please do not allow any increase in Trophy hunting."

The rest of the emails (15) fell into three camps. Those that wanted no cougar hunting (5), those that wanted more cougar hunting opportunity (5) and those that wanted no change to the regulations (5).

We received one letter that did not directly relate to the cougar rule and was describing an interaction this person had with a cougar around their home.

### **Fish and Wildlife Commission Hearing, Public Comments:**

Most of those that commented during the March commission meeting indicated that they would like to see more cougar hunting opportunity and a reduction in cougar numbers to help ungulates and increase public safety.

We extended the written public comment period and received 91 comments related to cougar hunting. The majority (87) Said that they preferred option one and most of them did not want us to hunt cougars at all. Two people advocated for more cougar hunting generally. We also received a letter and survey from The Humane Society of the United States (HSUS). The survey was related to how people felt about predator hunting.

### **Rationale-Agency Action Regarding Comments:**

Those that oppose the recommended changes to the rule fell into four camps:

- 1) Those that did not want any cougar hunting.

Cougar hunting like any other hunting can be controversial. Cougars are classified as a game animal in RCW 77.08.030 and as such are legal to hunt in the state. Cougars are an important species for all Washingtonians and the department manages them as such. Hunters have been integral in the recovery of many species in Washington and across the United States, including cougars. The regulations put forth in this rule are not intended to reduce cougar numbers on the landscape.

- 2) Those that wanted the rule to stay the same.

This option is certainly feasible, and the Commission could choose this option.

- 3) Those that wanted more hunting opportunity than provided in these options.

We are currently managing cougars under objectives outlined in the Statewide Game Management Plan. Any opportunity that is greater than what is proposed falls outside of this plan and would require additional public process.

- 4) Those that wanted to use hounds as a method of hunting cougars.

Hound hunting was banned by voter initiative in 1996 and unless that initiative is repealed it is not a legal method for recreational hunting, with few exceptions.

The comments that support the proposed options in the rule are summarized in this document and will be presented to the commission to consider for their decision making.



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 05, 2020  
TIME: 9:19 AM

WSR 20-04-091

**Agency:** Washington Department of Fish and Wildlife (WDFW)

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 20-01-123 on December 16, 2019 ; 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 \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) The department seeks to adopt rules concerning the 2020-2021 season setting.

WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five.

WAC 220-410-060 Game management units (GMUs) boundary descriptions—Region six.

WAC 220-412-050 Landowner raffle hunts.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

WAC 220-412-090 Multiple season big game permits.

WAC 220-412-100 Landowner hunting permits.

WAC 220-413-180 Special closures and firearm restriction areas.

WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

WAC 220-415-030 2019 Deer special permits.

WAC 220-415-040 Elk area descriptions.

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

WAC 220-415-060 2019 Elk special permits.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

WAC 220-415-100 2018-2019 and 2019-2020 Cougar.

WAC 220-415-120 2019 Bighorn sheep seasons and permit quotas.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

WAC 220-416-010 2018-2019, 2019-2020, 2020-2021 Small game and other wildlife seasons and regulations.

WAC 220-416-040 Hunting predatory birds.

WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.

WAC 220-440-060 Killing wildlife causing private property damage.

**Hearing location(s):**

**Date:**                      **Time:**                      **Location:** (be specific)                      **Comment:**

March 13-14, 2020	8:00 a.m.	Red Lion Columbia Center 1101 N. Columbia Center Blvd. Kennewick, Washington 99336	
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**Date of intended adoption:** April 10-11, 2020 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA. 98504

Email: wildthing@dfw.wa.gov

Fax: (360) 902-2162

Other: <https://wdfw.wa.gov/hunting/regulations/season-setting>

By (date) February 26, 2020

**Assistance for persons with disabilities:**

Contact Dolores Noyes

Phone: (360) 902-2349

Fax:

TTY: (800) 833-6388

Email: [dolores.noyes@dfw.wa.gov](mailto:dolores.noyes@dfw.wa.gov)

Other:

By (date) March 6, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

WAC 220-410-050 Game management unit (GMU) boundary descriptions—Region five.

The purpose of this proposal is to correct any errors in the boundary descriptions for game management unit 506.

WAC 220-410-060 Game management unit (GMU) boundary descriptions—Region six.

The purpose of this proposal is to correct any errors in the boundary descriptions for game management unit 673.

WAC 220-412-050 Landowner raffle hunts.

The purpose of this proposal is to alter the adjustment of annual report submission date requirements from December 31 to May 1, to coincide with WAC 220-412-100. This also allows enrolled landowners to submit all required reports at the same time.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

This proposal adds game management units (GMUs) 186 and portions of GMU 181 (south of the line made by starting at Montgomery Ridge Road and Highway 129, to the Sherry Grade Road, to the Couse Creek Road, to the Snake River) to the legal hunt area for the Rocky Mountain Bighorn Sheep Raffle Permit.

WAC 220-412-090 Multiple season big game permits.

The purpose of this proposal is to clarify language.

WAC 220-412-100 Landowner hunting permits.

The purpose of this proposal is to further develop the standard operating procedure for the Landowner Hunting Permit (LHP) Program. The Landowner Hunting Permit WAC has been adjusted to reflect the new proposed requirements for the LHP program, as outlined in the standard operating procedure. The revised standard operating procedure anticipates better management, monitoring, and an improved experience for the general public, while recreating on properties enrolled in the Landowner Hunting Permit.

WAC 220-413-180 Special closures and firearm restriction areas.

The proposed administrative changes remove the reference to “wooden towers” from the description for the Columbia River Restricted Hunting Area. Corrections are made to the spelling of Newberry (from Newbury) Hill Road for the Firearm Restriction Area in Kitsap County.

WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

The purpose of this proposal is to abolish the rule.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

The purpose of this proposal is to retain general season deer hunting opportunities for 2020. It also aims to balance the hunting opportunities between user groups. The proposal also increases opportunities when deer populations allow and reduces opportunities when declining deer numbers warrant a change.

WAC 220-415-030 2019 Deer special permits.

The purpose of this proposal is to retain special permit for deer hunting opportunities for 2020. It also balances hunting opportunities between user groups, increases opportunities when deer populations allow, and reduces opportunities when declining deer numbers warrant a change. Lastly, it adds language that clarifies the bag limit is one deer, except where otherwise permitted by department rule, even if permits are drawn for more than one deer hunt category.

WAC 220-415-040 Elk area descriptions.

The purpose of the proposed changes would eliminate Elk Area No. 1011 (Columbia County), Elk Area No. 1012 (Asotin County), and Elk Area No. 1082 (Asotin County).

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

The purpose of the proposed change is to retain general season elk hunting opportunities for 2020. It also balances hunting opportunities between user groups, increases opportunities when elk populations allow, and reduces opportunities when declining elk numbers warrant a change.



The department will not develop specific recommendations regarding opportunities to harvest antlerless elk during the early archery general elk seasons in the Colockum (GMUs 328, 329) and Yakima (GMUs 336, 340, 352, 356, 364) elk herd areas until population surveys are completed in February and/or March. If population surveys indicate it is warranted, the department may also consider reducing opportunities for archery hunters to harvest antlerless elk during the late archery general elk seasons, and reducing modern firearm, and muzzleloader special permit opportunities. A general overview of the recommendations that may be considered dependent of herd status are provided below. Recommendations developed in response to surveys indicating a population decline will also depend on the severity of the decline.

Colockum Elk Herd: (GMUs 249, 251, 328, 329, 330, 334, 335)

<u>Herd Status</u>	<u>General Overview of Recommendation</u>
Decline	Significantly reduce or eliminate general season opportunities to harvest antlerless elk during archery seasons, except for those associated with addressing damage issues, and in areas where the department does not manage for large numbers of elk (e.g., GMU 334, 335). Also, reduce opportunities to harvest antlerless elk during modern firearm and muzzleloader permit seasons.
Stable	Significantly reduce or eliminate general season opportunities to harvest antlerless elk during archery seasons, except for those associated with addressing damage issues and in areas where the department does not manage for large numbers of elk (e.g., GMU 334, 335). Replace some of the lost opportunities with a limited number of permits to harvest antlerless elk. Retain opportunities to harvest antlerless elk during modern firearm and muzzleloader permit seasons.
Increase	Retain current general and special permit seasons.

Yakima Elk Herd: (GMUs 336, 340, 342, 346, 352, 356, 360, 364, 368, 371, 372)

<u>Herd Status</u>	<u>General Overview of Recommendation</u>
Decline	Significantly reduce or eliminate general season opportunities to harvest antlerless elk, except for those associated with addressing damage issues and in areas where the department does not manage for large numbers of elk (e.g., GMUs 371 and 372). Replace some of the lost opportunities with a limited number of permits to harvest antlerless elk. If warranted, also reduce opportunities during modern firearm and muzzleloader permit seasons.
Stable	Significantly reduce or eliminate general season opportunities to harvest antlerless elk, except for those associated with addressing damage issues and in areas where the department does not manage for large numbers of elk (e.g., GMU 371 and 372). Replace some of the lost opportunities with a limited number of permits to harvest antlerless elk. Retain current opportunities during modern firearm and muzzleloader permit seasons.
Increase	Retain current general and special permit seasons.

WAC 220-415-060 2019 Elk special permits.

The purpose of this proposal is to retain elk special permit hunting opportunities for 2020. It also balances elk hunting opportunities between user groups, increases elk hunting opportunities when elk populations allow, and reduces opportunities when declining elk numbers warrant a change. Lastly, it adds language that clarifies the bag limit is one elk, except where otherwise allowed by department rule, even if permits are drawn for more than one elk hunt category.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

This proposal adds language that clarifies the bag limit is one moose, except where otherwise allowed by department rule, even if permits are drawn for more than one moose hunt category. It also adjusts moose hunt permit limits to reflect population changes and recent harvest.

WAC 220-415-100 2018-2019 and 2019-2020 Cougar.

The proposed changes are designed to give the Commission four options to choose from relating to recreational cougar harvest guidelines. The non-status quo options are intended to extend seasons in areas where harvest has been historically high, and where cougar human conflict is also high. The intended result of the longer season is to shift a proportion of the cougar removal, currently carried out by agency personnel, to hunters:

- The first option is status quo with one caveat, the density we used to set the guideline is the median of five research projects that were conducted in Washington. The median is a better measure because it is not affected by outliers in the data. In the past we used the mean.

- The second option also uses a median density that is calculated using only adult cougars that are 24 months or older. This option reduces the guideline slightly, but sub-adult cougars harvested under this option would not count toward the guideline for season closure.
- The third option adjusts the guideline upward for units that exceeded the guideline by December 31 at least once in the past five years. The new guideline is based on the highest harvest in the past five years. In this option there is the assumption that density is higher in these areas. In two PMUs, the guidelines in this option were adjusted, so they did not exceed an assumed density 4.15 cougars per 100 square kilometers. This was intended to keep the density within an acceptable range based on research conducted in the western United States. This guideline includes adults and sub-adults.
- The fourth option is like option three, but only uses a density based on adult cougars and only counts adult cougars towards the guideline.

WAC 220-415-120 2019 Bighorn sheep seasons and permit quotas.

This proposal adds language that clarifies the bag limit is one bighorn sheep, except where otherwise permitted by department rule, even if permits are drawn for more than one bighorn sheep category. It also adjusts bighorn sheep hunt permit limits to reflect population changes and recent harvest. Lastly, this proposal creates separate permit opportunities for adult ewes and juvenile rams in the Selah Butte, Mount Baldy, and Umtanum hunt areas (collectively referred to as the Yakima Canyon herd).

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

This proposal adds language that clarifies the bag limit is one mountain goat, except where otherwise permitted by department rule, even if permits are drawn for more than one goat hunt category. It also adjusts mountain goat hunt permit limits to reflect population changes and recent harvest.

WAC 220-416-010 2018-2019, 2019-2020, 2020-2021 Small game and other wildlife seasons and regulations.

The purpose of this proposal is to increase the number of hunter education incentive turkey permits from two to four.

WAC 220-416-040 Hunting predatory birds.

Removes the depredation part of the rule because it already exists in WAC 220-440-060.

WAC 220-416-060 2019-2020 Migratory gamebird seasons and regulations.

The proposal amends the rule to specify legal season dates, and bag limits for the 2020-2021 season.

Changes include:

- Adjusting season dates relative to 2020-2021 calendar dates.
- Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy.
- Lowering scaup bag-limit to two-scaup per day and associated possession limits, while keeping an 86-day season length by the optimal regulatory alternative described in the Adaptive Harvest Management protocol.
- Shifting seven-days from the beginning of the first season segment to the end of the third season segment for white geese in Goose Management Area 4 (Columbia Basin).

WAC 220-440-060 Killing wildlife causing private property damage.

The proposed amendment to the rule intends to make our rule consistent with federal rules that pertain to crows and magpies.

**Reasons supporting proposal:**

WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five.

The proposed change will make the boundaries more discernable for hunters.

WAC 220-410-060 Game management units (GMUs) boundary descriptions—Region six.

The proposed change will make the boundaries more discernable for hunters.

WAC 220-412-050 Landowner raffle hunts.

This proposal simplifies the requirements for landowners that operate raffle drawings. It also aligns annual report submission dates with WAC 220-412-100.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

Bighorn sheep populations have increased in these areas, which warrants an expansion of the hunt area.

WAC 220-412-090 Multiple season big game permits.

The proposal clarifies the language and reduces hunter confusion regarding this rule.

WAC 220-412-100 Landowner hunting permits.

Over the past year, the department has held public meetings and active stakeholder/landowner meetings to assess the current views of the program. These comments have been taken into consideration as well as input from Washington Department of Fish and Wildlife (WDFW) staff which has resulted in the development of the new standard operating procedure for the landowner hunting permit (LHP) program. The proposed changes reflect the comments received from the public, WDFW staff and landowners. Historically, there haven't been many changes to the LHP program. However, due to the lack of consistency and the expansive variation in management styles across the state, this program has proven to be difficult to manage at a program level. These reasons were the main driving factor behind taking the appropriate steps to revise and make changes to the program.

WAC 220-413-180 Special closures and firearm restriction areas.

The "wooden towers" referenced in the Columbia River Restricted Hunting Area boundary description were torn down recently. As such, they could no longer be used as a discernable landmark to describe the boundary. Correcting the spelling of Newberry Hill Road will eliminate confusion for hunters.

WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

This rule, originally adopted in 2014, attempted to reduce the risk of inadvertently spreading the causative agents of treponeme associated hoof disease (TAHD) in elk. Since that time, however, TAHD has been confirmed throughout western Washington, east of the Cascade Mountains near the town of Trout Lake, and in the Blue Mountains of southeast Washington. The continued expansion of this disease appears to indicate this rule was ineffective at preventing disease expansion. Other reasons for supporting this rule are:

1. For surveillance purposes, we want to encourage elk hunters in eastern Washington to submit suspicious hooves.
2. The current rule is not being enforced, but rather used by Enforcement Officers as an educational opportunity.
3. We have no scientific findings that support the implementation of this rule.
4. The Department is working on developing management strategies that will be proposed during the next 3-year season cycle, which would incentivize elk hunters in western Washington to target limping elk but would also require them to submit their hooves to the Department for inspection.
5. Neighboring states (Idaho and Oregon), where TAHD has been detected, do not have a similar rule.

Although the Department is proposing to abolish this rule, we would still encourage hunters to leave hooves from the elk they harvest on site.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

This proposal provides recreational deer hunting opportunities and protects deer from overharvest. The proposal would also maintain sustainable general deer hunting season opportunities for 2020. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 220-415-030 2019 Deer special permits.

This proposal provides recreational deer hunting opportunities and protects deer from overharvest. The proposal would also maintain sustainable deer special permit hunting season opportunities for 2020. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language does not specify a bag limit, some hunters interpret this to mean they can shoot one deer per permit or one deer in addition to their general season harvest, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

WAC 220-415-040 Elk area descriptions.

All three elk areas were created to address issues related to elk causing damage to agricultural crops. Damage issues in all three areas have declined following the substantial declines in elk numbers. As such, these elk areas are no longer needed and there is not an anticipated need in the foreseeable future.

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

Overall, the proposal provides recreational elk hunting opportunities, helps address elk agricultural damage problems, and provides elk population control when needed. The department is postponing the development of specific recommendations for the Colockum and Yakima elk herds. These two herds have experienced substantial declines since 2015, with late-winter surveys in 2019 showing the Yakima herd was approximately 13% below objective and the Colockum herd approximately 8% below. Declines have been the result of increased antlerless harvest, severe drought and winter conditions, and depressed recruitment of calves. Moreover, preliminary counts of elk on feed sites for the Yakima elk herd in January 2020, show calf recruitment rates are likely to be lower than normal for the fourth consecutive year. The department is concerned about the status of both herds and plans to develop recommendations that are likely to promote population growth.

WAC 220-415-060 2019 Elk special permits.

This proposal provides recreational elk hunting opportunities and protects elk from overharvest. The proposal would maintain sustainable elk special permit hunting opportunities for 2020. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language does not specify a bag limit, some hunters interpret this to mean they can shoot one elk per permit or one elk in addition to their general season harvest, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language shows the bag limit is one moose, some hunters interpret this to mean one moose per permit, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

Permits for 'Any Antlered Bull Moose' in Spokane West A were increased because surveys showed a good bull to cow ratio. Permits for 'Antlerless Only' were reduced in Mt Spokane South B, Mt Spokane North B, and Mica Peak because surveys showed calf recruitment rates and the overall number of moose biologists observed were lower than normal.

WAC 220-415-100 2018-2019 and 2019-2020 Cougar.

The proposal gives the Commission biologically sustainable options for the cougar hunting seasons.

WAC 220-415-120 2019 Bighorn sheep seasons and permit quotas.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language indicates the bag limit is one bighorn ram, except in designated adult ewe hunts the limit is one bighorn adult ewe, some hunters interpret this to mean one sheep per permit, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

The department is proposing to develop unique permit opportunities for adult ewes and juvenile rams for the Yakima Canyon herd. This proposal is in association with our efforts to reduce the size of the herd and eliminate *Mycoplasma ovipneumoniae* (M. Ovi.) from this herd. The department first implemented these permits during the 2019 season with special restriction identified as an Adult Ewe or Juvenile Ram, but most resulting harvest consisted of rams, including rams that were not juveniles. As such, very few ewes were harvested as intended, which calls for the proposed change.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language shows the bag limit is one adult goat of either sex with horns four inches or longer, some hunters interpret this to mean one adult goat per permit, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

WAC 220-416-010 2018-2019, 2019-2020, 2020-2021 Small game and other wildlife seasons and regulations.

This change increases the incentive for hunter education instructors without harm to turkey populations.

WAC 220-416-040 Hunting predatory birds.

Reduces redundancy and simplifies the rule.

WAC 220-416-060 2019-2020 Migratory gamebird seasons and regulations.

Migratory waterfowl and other gamebird (coot, dove, band-tailed pigeon, and snipe) seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the migratory waterfowl resources of Washington.

WAC 220-440-060 Killing wildlife causing private property damage.

This proposal makes our rule consistent with federal rule.

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

**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:**

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife  Private  Public  Governmental

**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:

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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)<br>(Internal government operations)         | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)             | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)   |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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).  
Explanation of exemptions, if necessary:

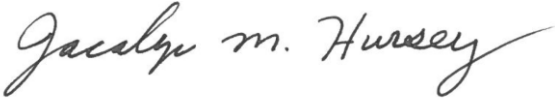
**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If 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 analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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:

<b>Date:</b> February 5, 2020	<b>Signature:</b> 
<b>Name:</b> Jacalyn Hursey	
<b>Title:</b> Rules Coordinator	