

Washington Cougar Coalition
The Humane Society of the United States • PAWS
Mountain Lion Foundation • Washington Alliance for Humane Legislation

July 12, 2011

To: Washington Fish & Wildlife Commission (by email, hard copy to follow)
Chairperson Wecker
Vice Chairperson Douvia
Commissioner Jennings
Commissioner Mahnken
Commissioner Perry
Commissioner Schmitt
Commissioner Smith

Regarding: Proposed Rule Changes to WAC 232-12-243

Position: **OPPOSED**

Dear Commission Members:

We the undersigned, representing more than 305,000 Washington members and supporters, write today to provide comment on proposed changes to the public safety cougar removal policies in WAC 232-12-243. We have serious concerns with the approach that the Department proposes to take with these changes, because they do not reflect the stated requirements of the law, obviously subvert the intent of the law, and potentially increase the risk to the public's safety.

RCW 77.15.245 states that the commission shall "authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar." However, the Department is departing from this statutory restriction by redefining the program as one of "cougar management" rather than "public safety" beginning in the proposed revision to WAC 232-12-243(2). It appears the Department is acknowledging the fact that these proposed rule changes are not restricted to measures designed to ensure public safety. This clearly violates the intent of the statute, the Legislature (SB5001), and Washington's citizenry (I-655 and WDFW (2008) *Public Opinion on Hunting and Wildlife Management in Washington*) that the use of dogs to hunt cougars be limited only to circumstances where it is necessary to address public safety needs.

Additionally, we foresee the Department pushing to apply this new tool to broader political and "management" objectives. Despite arguments from the Department and hunting advocates, during the 2011 session the Legislature decided not to extend the hound hunting pilot – which many argued was a successful management tool – and instead chose to move forward with hound hunting reserved only for public safety responses which may include depredation. The proposed rule changes run counter to the Legislature's decision.

The proposed changes to WAC 232-12-243(3)(a) remove the requirement that a portion of the confirmed human-cougar interactions must be confirmed human-cougar safety incidents or

livestock/pet depredations. The proposal instead ties the trigger to an unspecified increase in human-cougar interactions from a 2008–2010 baseline. In addition to questioning why the Department chose the 2008–2010 time period, we are concerned that the lower “interactions” standard could result in the Department authorizing public safety removals based merely on sightings. Eliminating the requirement that there must be confirmed safety incidents or depredations violates the legislative mandate that the Department only authorize these based on public safety need. Sightings alone do not demonstrate a public safety need. In addition, the proposed changes run contrary to WAC 232-12-243(1)(g) which defines “public safety need.” Under that definition, such a need is only established if there is proven to be a reasonable threat to human safety or property by one or more cougar as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredation.

We are also alarmed by the potential for this new loophole to negatively intersect with the Department’s stated intent to make this threshold more responsive to “perceptions of new threats posed by cougar.” It is not appropriate to utilize this tool to respond to “perceptions” when the underlying law limits the tool to cases of public safety “need.”

Finally, the Department needs to adjust these proposals and the underlying WAC to reflect the latest science of cougar management as presented at the Cougar Management Forum hosted by the Department on June 17, 2011. At that forum University of Washington and Washington State University scientists stated that the harvest of adult cougars in their home ranges created a “sink” effect where younger cougars, less skilled at avoiding humans, moved in to take over. The latest science tells us that removing adult and stable cougars in an area will result in an unstable social organization and the “stacking” of cougar home ranges. The net effect actually increases the likelihood of human-cougar conflicts, puts the public at greater risk, and negates any short-term benefits rural residents might experience from a properly implemented livestock and pet protection program (See the *Troubled Teens* article <http://www.conservationmagazine.org/2009/11/troubled-teens/>). Why hasn’t the Department integrated this objective science into these new proposals and the existing authorities in the proposed revision to WAC 232-12-243?

Given that the density of cougars across the state is approximately 1.7 adults per 100 square kilometers of habitat (Cooley, H. S., Wielgus, R. B., Koehler, G. M., & Maletzke, B. T. (2009) *Source populations in carnivore management: cougar demography and emigration in a lightly hunted population*. *Animal Conservation* 12:321-328), the existing authorization for public safety hunts to remove one cougar per 130 square kilometers would eliminate the adult and stable cougars in a given area. These cougar removals will result in an influx of new cougars to the area, making it even more important that this tool be limited to, and reserved for, the removal of truly problem animals that are threatening public safety and property.

There are additional areas of the WAC that deserve review and raise questions, specifically:

- What is the biological justification for the harvest limit of 109 cougars during a public safety removal period?
- Why does the Department allow hound hunters who harvest a cougar before January 15th to continue hunting for a second cougar with dogs? It appears the Department has aimed this standard at providing additional recreational opportunities rather than best protecting public health and safety.

- Who determines what constitutes a “chance observation” form of cougar sighting? Additional clarity here will be especially important if the Department lowers the standard for triggering a public safety removal to mere sightings.

In summary, these proposed rule changes run counter to legislative authority and public safety requirements for authorizing cougar removal, increase the public’s risk, and adversely affect any reasonable livestock protection program.

The Commission should not approve the Department’s proposed rule changes to WAC 232-12-243.

Thank you for considering our comments.

Sincerely,

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