

Background and Talking Points
Letters to Washington Fish and Wildlife Commission re
Moving Ahead With Bear/Cougar Rulemaking
March 4, 2024

Background:

In December 2023, the Washington Fish and Wildlife Commission voted by a margin of 7-to-2 to accept a [rulemaking petition](#) submitted by eight conservation organizations, which asked Commissioners to revise state hunting rules for bear and cougar to rein in years of overhunting at both local and statewide levels. Petitioners sought to end several years of excessive cougar mortality, particularly in some regions of the state such as Klickitat and Stevens counties, where overall mortality has significantly exceeded the levels set by scientists with the Washington Department of Fish and Wildlife (WDFW) to protect the stability of the cougar population. They also asked the Commission to take steps to reduce bear hunting mortality, which increased by nearly 50% after rule changes in 2019.

We do not know how much damage has already been done by the current rules, because WDFW is unable to accurately monitor trends in either the bear or the cougar population. However, there is significant reason to be concerned that these populations have already suffered great harm, especially at local levels where overall mortality has significantly exceeded the population growth rate.

It is urgent that the Commission approve rule changes in time to take effect before the next hunting season, which begins August 1 for bears and September 1 for cougar. But that window of opportunity is passing quickly. The next step is for Commissioners to decide upon the content of draft rules, which would then need to go through the notice-and-comment rulemaking process before they are finalized. We hoped that the Commissioners would vote on this proposed content at their February meeting, but instead they put off this decision, with some commissioners opining that they should take their time and wait to put rules in place for the 2025-26 season.

We need your help in letting commissioners know that it is unacceptable for them to drag their heels on drafting new rules, while the overhunting of bears and cougars continues another season. The commission has a duty to follow-up on their vote to accept the rulemaking petition and take immediate action to protect our state's cougars and bears.

Outline of suggested talking points:

- I. The Commission has a duty to protect Washington's bears and cougars in trust for all Washingtonians.**
 - a. Bear and cougar populations do not need to be hunted, because they regulate themselves.
 - b. If the Commission is going to allow hunting of these species, it has an obligation to the people of Washington to regulate this hunting carefully and responsibly to ensure that it is kept to sustainable levels.
 - c. Bear and cougar hunting has been above sustainable levels for many years. Although department managers may assure the Commission that this excessive hunting has not damaged these populations, the truth is that we have no idea what damage has been done, because as department scientists have told us, they do not have reliable means of monitoring trends in these populations.

- d. The Commission made this situation worse in 2019 and 2020, when it ignored the work of department scientists and voted to liberalize cougar and bear hunting to pander to the demands of a small group of people who demanded opportunities to kill more carnivores.
- e. The Commission has a responsibility to lead the state in science-based wildlife management, but in 2019 and 2020 it abandoned that responsibility.
- f. The current Commission demonstrated that it understands the need to take action to correct this wrong and limit bear and cougar mortality when it approved the rulemaking petition in December.
- g. Now it is your responsibility to take action to make sure that vote means something and translates into new rules before the 2024-2025 hunting seasons.
- h. It is inexcusable to allow yet another season of excessive and unsustainable killing that endangers our state bears and cougars—and perhaps, even our people.

II. Please take decisive and immediate action to prevent the overhunting of cougars and bears from continuing for another season.

- a. We want to thank the Commission for voting in December to accept the petition to change the state's bear and cougar rules. However, we were disappointed that the Commission chose not to approve content for new draft rules at its February meeting, and dismayed by comments suggesting that these rules should be delayed so that they would not take effect for the 2024-2025 hunting season.
- b. The Commission accepted that it needs to correct problems with the current bear and cougar seasons when it approved the rulemaking petition. It has an obligation to take the action necessary to follow-up on that vote and put meaningful changes in place.
- c. More than two months has already passed since the Commission approved the rulemaking petition in December. If it does not take action in March, it may be too late for new rules to take effect before the next hunting season.
- d. We are not asking the Commission to end bear and cougar hunting, but to reduce it to sustainable levels that will protect healthy bear and cougar populations and minimize conflicts with people and livestock.
- e. There is strong scientific support for all the requested changes. WDFW's game division manager told the Commission that he agreed with most of the assertions in the petition, which are rooted in WDFW's own science. Fifty carnivore experts submitted a letter to the Commission confirming the scientific accuracy of the key points of the petition. One of the country's foremost cougar experts, Dr. Mark Elbroch, testified to the Commission that the current rules "absolutely violate[] a science-based approach."
- f. Healthy populations of cougars and bears are vital components of healthy and resilient ecosystems. Cougars help regulate ungulate populations, provide food for other species, and protect riparian areas from overuse. Bears aerate the soil, disperse seeds, and distribute nitrogen.
- g. WDFW must exercise caution in managing these populations to prevent long-term harms, especially in light of the compounding threats caused by climate change, habitat loss, and a global decline in biodiversity.

III. We cannot risk another year of excessive bear mortality.

- a. Washington needs a healthy bear population to maintain ecosystem health and resiliency. Bears are "ecosystem engineers," who play a vital role by dispersing seeds across large areas,

scavenging dead animals, distributing marine-derived nitrogen around salmon streams, contributing to the regulation of prey species, and helping to aerate soil by digging for roots and rodents.

- b. Bear hunting mortality increased by roughly 50% following the Commission's decision in 2019 to increase season lengths and/or "bag" limits in many regions of the state. In 2022, hunters killed a record high of 2,211 bears.
- c. This increase came at the same time that WDFW's scientists were discovering that the state bear population was 30-40% smaller than WDFW had long estimated.
- d. Studies have shown that humans are responsible for roughly 80% of bear mortality in Washington.
- e. Scientists have estimated that bear populations can withstand total human-caused mortality level of between 4% to 10%. In 2022, hunters reported killing between 10.5% and 12.3% of the state bear population, *before* counting significant additional mortality from management actions to kill bears to protect timber or due to conflicts; poaching; tribal hunts; wounding loss; and vehicle collisions
- f. WDFW scientists have estimated that hunters reported killing as much as 51% of the bear population in 2019-2021 in some game management units.
- g. Bear populations are especially sensitive to overexploitation because they reproduce slowly. Female bears usually do not begin to breed until they are 4-5 years old, giving birth to one to three cubs at a time. Bear cubs stay with their mothers until they are about 18 months old, which means that mother bears only give birth, at most, every other year.
- h. WDFW scientists have warned that they do not have any accurate way to measure trends in the bear population, and that by the time they detect a decline, it could take 15 years or longer to recover the population.
- i. **Washington has been allowing hunters to kill bears in numbers over sustainable levels for the past 5 years, doing untold damage to the population. Commissioners cannot allow this overhunting to continue for even one more season.**

IV. Excessive cougar mortality has been destabilizing state cougar populations for the past several years, with consequences for both cougars and humans.

- a. Known human-caused cougar mortality in Washington has doubled since 2011, exceeding recommended mortality levels since 2016 and maintaining record levels beginning in 2018. This sustained level of human-caused mortality carries significant risks for the state cougar population.
 - i. In 2021, WDFW scientists published a paper showing that when human-caused cougar mortality rises above 249 cougars a year, the risk of overexploiting the cougar population ramps up dramatically. State cougar mortality has exceeded that level every year since 2016.
 - ii. From 2013-2020, WDFW employed a science-based system of cougar hunting management that sought to limit hunting mortality in each population management area to sustainable levels below the population growth rate. WDFW scientists intended to use these limits in each area to avoid creating cougar "sink" populations, which destabilize cougars' social structure. From the beginning, some areas have regularly exceeded these limits, because managers have lacked sufficient authority under the hunting rules to shut down specific management units before hunters surpassed the guidelines.

- iii. At the same time, non-hunting mortality has risen sharply statewide, as local and state officials began to kill significantly more cougars each year for conflicts with livestock or perceived safety threats. The number of cougars killed by state officials increased by 240% between 2017 and 2020, from 43 to 145 cougars statewide. These high levels have continued, with state and local officials killing an average of more than 125 cougars a year over the past five years (approximately 40% of total human-caused mortality).
 - iv. In 2020, the Commission expanded cougar hunting limits, increasing the number of cougars that hunters could kill each year to roughly 373 out of an estimated population of around 2,000—without accounting for additional cougars killed by state and local officials. These changes discarded the management framework that WDFW scientists had built based on 16 years of research and designed to maintain population health and stability.
 - v. Although WDFW scientists have said that human-caused mortality in each management unit should be kept below 16% of the population, it has regularly ranged between 20% and 40% in some areas, particularly Stevens and Klickitat counties.
- b. WDFW scientists do not have an effective way of monitoring state cougar populations that allows them to determine the impact of years of overhunting.
- i. We do not know if these levels of mortality have caused the statewide population to decline, shifted the age and sex structure of the population, or weakened the population by decreasing its genetic diversity. Scientists are attempting to study cougars in some areas, like the Olympic Peninsula, but their efforts are being thwarted because officials are killing so many of the cougars they are studying.
 - ii. There is a scientific consensus that killing more cougars does not reduce conflicts with livestock and humans, and significant evidence that shows that excessive mortality may actually *increase* the likelihood of conflicts with cougars.
 - iii. Excessive cougar mortality may increase the density of cougars in an area, as more young male cougars immigrate into areas where dominate males have been killed. Studies have shown that younger, male cougars are more likely to frequent human-occupied areas, attack livestock, and come into conflict with humans.
 - iv. Hunting frequently orphans cougar kittens, who typically depend on their mothers until they are 18 months old. Young orphans are unable to survive on their own. Older kittens orphaned before they have refined their hunting skills are more likely to create conflicts as they search for food.
- c. High levels of cougar mortality may have already significantly damaged and destabilized the population, decreased population health and sustainability, and potentially created more cougar-human conflicts. **The Commission should not increase the danger to both cougars and humans by allowing this to continue for another year.**