

# Background and Talking Points re Cougar Rulemaking

*April 12, 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 that asked Commissioners to revise state cougar hunting rules.

[Petitioners sought to protect the stability of the cougar population](#) by ending several years of excessive cougar mortality, particularly in some regions of the state where overall mortality has significantly exceeded the levels set by scientists with the Washington Department of Fish and Wildlife (WDFW). For example, over the past three years, hunters and management authorities have killed over a third of the estimated cougar population in the management units that include Stevens and Klickitat counties—with mortality in some areas nearing 50%.

We do not know how much damage has already been done by these excessive rates of mortality because WDFW is unable to accurately monitor trends in the cougar population. However, there is 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 cougar hunting season, which begins September 1. 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 or March meetings, 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 there is no excuse for allowing the overhunting of cougars to continue another season. The Commission has a duty to follow up on its vote to accept the rulemaking petition and to take immediate action to protect our state's cougars.

## ***SUGGESTED TALKING POINTS***

- I. **The Commission already voted to approve our rulemaking petition 7-2. Now it just needs to have the courage to follow through on that vote and do what it knows to be right.**
  - a. We thank the Commission for voting in December to accept the petition to change the state's bear and cougar rules. However, we are disappointed that the Commission chose not to approve content for new draft rules on cougars at its February or March meetings and dismayed by comments suggesting that these rules should be postponed until the 2025-2026 hunting season.
  - b. The current Commission demonstrated that it understands the need to take action to correct the unscientific decisions of the past and limit cougar mortality when it approved the rulemaking petition. Now it is the Commission's responsibility to take action to make

sure that that vote means something and translates into new rules before the 2024-2025 hunting season. There is no reason for delay.

**II. Unlike the current rules, the proposed amendments to the cougar hunting rule are grounded in agency science.**

- a. National hunting organizations have been swamping the Washington Fish & Wildlife Commission with out-of-state letters demanding that they “follow the science.” We agree. At the March Commission meeting, agency scientists confirmed the accuracy of the density levels and growth rates on which the old cougar management system was based. In fact, in place of the old growth rate of 12-16%, the scientists are now advocating a range of 10-16%. There is always more science to be done, but the Commission has all the information it needs to make a decision.
- b. One of the country’s foremost cougar experts, Dr. Mark Elbroch of Panthera, has testified to the Commission that the current rules are “indefensible” and “absolutely violate[] a science-based approach.”
- c. There is strong scientific support for all the requested changes in the petition. 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. In addition, 50 carnivore experts from around the country submitted [a letter to the Commission](#) confirming the scientific accuracy of the key points of the petition.
- d. Decades of agency science have shown that the safest way to manage the cougar population is by ensuring that we keep mortality below growth rates in each population management unit (PMU), an approach recommended in the last Game Management Plan. Now that WDFW has confirmed the accuracy of this science, there is no excuse for waiting any longer to enact a cougar management program based on the agency’s own research.

**III. The Commission’s mandate instructs it to manage wildlife in a way that will “protect, preserve, and perpetuate” wildlife and only allow hunting that will not “impair the resource.” Its current rules with respect to cougars fail to meet that standard, and it has a responsibility to correct that course immediately.**

- a. Healthy populations of cougars are vital components of healthy and resilient ecosystems. Cougars help regulate ungulate populations, provide food for other species, and protect riparian areas from overuse.
- b. 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.
- c. Cougar hunting is not necessary to prevent overpopulation, as the cougar population will regulate itself. If it is going to allow hunting, however, the Commission has an obligation to the people of Washington to regulate it carefully and responsibly.
- d. Cougar hunting has been above sustainable levels for many years. Although department managers have assured the Commission that this excessive hunting has not damaged cougar populations, **the truth is that we have no idea what damage has been done.** WDFW scientists do not have an effective way of monitoring state cougar populations that allows them to determine the impact of years of overhunting. 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.
- e. Even if we knew that excessive mortality levels had not yet done irreparable damage (which we do not), why would we want to push that envelop and continue to overexploit the cougar population until we have passed a point of no return?

**IV. 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.**

- a. 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.
- b. 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.
- c. 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).

**V. The Commission worsened the situation in 2020 when it ignored the work of department scientists and voted to liberalize cougar and bear hunting to pander to a small group of people who demanded opportunities to kill more carnivores.**

- a. 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 had designed to maintain population health and stability.
- b. 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. Over the past three years, hunters and management authorities have killed over a third of the estimated cougar population in some management areas across the state (including Stevens and

Klickitat counties and the Olympic Peninsula). In some areas, hunters and management agents have killed half of the cougar population in a given year.

- VI. **Scientific consensus has shown that hunting more cougars does not make people safer. In fact, substantial research suggests that increased cougar mortality may lead to more conflicts with humans and livestock.**
- a. Cougar populations do not need to be hunted because they regulate their own numbers, as WDFW's own research has shown.
  - b. In addition to its responsibility to the cougar population, the Commission has a responsibility to the human population. **There is a scientific consensus that hunting more cougars does not make people safer.** To the contrary, over the past several years, multiple studies have shown a strong correlation between overexploitation of the cougar population and an increase in cougar-human conflicts. Although that science is not definitive, how can commissioners take that risk in good conscience?
    - i. Excessive cougar mortality may increase the density of cougars in an area, as more young male cougars immigrate into areas where dominant 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.
    - ii. 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.
    - iii. The two serious cougar attacks in the last two years were both by cougar kittens under a year old. Although we do not know for sure, there is good reason to believe that these kittens were orphaned when their mothers were shot by hunters or management agents. By continuing to kill too many cougars each year, we may be increasing the risk of such dangerous conflicts.