



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at http://apps.leg.wa.gov/wac/default.aspx?cite=82-05.

CONTACT INFORMATION (please type or print)

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COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
Provide relevant examples.
Include suggested language for a rule, if possible.
Attach additional pages, if needed.
Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: WDFW

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: Please See Attached

The rule is needed because: Please See Attached

The new rule would affect the following people or groups: Please See Attached

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

Begin rulemaking for the ***Cougar Management & Public Safety Hunting Seasons*** to include input from WDFW historical experts, tribal managers, and County Sheriffs, who are not being included in the separate Cougar rulemaking that is currently under way.

This petition requests rulemaking that is uniquely different from the current Cougar Rulemaking based on this Commission's decision to not include Cougar Management and Public Safety historical experts in presentations since the acceptance of the petition currently going through rulemaking.

This petition requests rulemaking that is uniquely different from the current Cougar Rulemaking based on this Commission not including Tribal Cougar Management data. It is inappropriate for this Commission to develop a Cougar Management Plan or Season Setting without engaging tribal co-managers as sovereigns.

This petition requests rulemaking that is uniquely different from the current Cougar Rulemaking based on this Commission not including County Sheriffs in Cougar Management & Season Setting.

This petition requests rulemaking that is uniquely different from the current Cougar Rulemaking based on this Commission not including WDFW historical Cougar Public Safety experts Mick Cope – Wildlife Program Deputy Director and Steve Bear – Enforcement Chief in Cougar Management and Public Safety.

Despite being advised last fall by agency staff to hold meetings with tribes on the policy before making a final decision – counsel that was called “absolutely absurd” by Commissioner Melanie Rowland – the citizen panel went damn-the-torpedoes-full-speed-ahead into a late January vote to approve the Conservation Policy.

That’s when the attorneys got involved as half a dozen Western Washington tribes formally demanded government-to-government consultations with the commission on the ‘unilaterally developed policy,’ stating it was “inappropriate for the state to develop an ambiguous definition of conservation without engaging tribal co-managers as sovereigns.”

((italicized two paragraphs above are from the March 2024 edition of Northwest Sportsman Magazine, page attached at end of petition for credit to original author / source))

Having accurate Cougar Management data would include engaging tribal managers.

Having accurate Cougar Management data would include engaging County Sheriff’s.

Having accurate Cougar Management data would include historical WDFW Cougar Public Safety Management subject matter experts Mick Cope – Wildlife Program Deputy Director, and Steve Bear – Enforcement Chief.

Having accurate Cougar Management would include input from WDFW Enforcement Officers and WDFW Conflict Specialists who respond to reports of Cougar public safety issues and who help educate the public in resolving negative interactions with Cougars including when Cougars attack and/or kill humans.

(See 2019 “Cougar Management and Public Safety Briefing”)

<https://wdfw.wa.gov/sites/default/files/2019-10/13.%20Cougar%20Management.pdf>

This petition calls for a public facing Cougar Management and Public Safety Briefing after department staff and this commission hold formal high level subject matter discussions and receives data from Tribal Managers, County Sheriff's, experts in Cougar Public Safety WDFW Wildlife Program Deputy Director Mick Cope and WDFW Enforcement Chief Steve Bear.

Public Safety: the WDFW Predatory Wildlife Incidents Map shows many cases of people defending themselves and their families and their livestock in those reports. Those incidents happen a lot.

Public safety must remain a top priority for Washington Cougar Management.

Over the past several years people in Washington are being attacked, as well as attacked and killed by Cougars. (Reference WDFW Predatory Wildlife Incidents Map)

<https://pd20.communitydashboard.info:8000/DFW/Mapping>

Public safety must remain a priority in cougar management in Washington State.

WDFW Enforcement alone can only do so much.

WDFW Conflict Specialists and Enforcement Officers are already too busy, too understaffed and too overwhelmed with other responsibilities to do this work on their own.

Currently the WDFW Commission and the Department are engaged in an adversarial relationship, which may be the best way to describe it, with some Sheriffs in this state who are dealing with Cougar safety issues themselves.

Currently the tribes are dealing with issues of Cougar conflict, predation and depredation as well as season setting differently than WDFW is doing under this Commission.

Washington's cougar population is generally healthy.

What is working now has been working well since 2019.

1. Public Safety Removals
2. Expanded Hunting Seasons
3. Depredation Permits

Together these strategies have been working.

With the increase in people being killed, injured, attacked, having to defend themselves from attack since 2019 it is not enough.

As noted in the news report regarding the recent attack on the bicyclist lady in King County a few weeks back, the Cougar was not hungry or malnourished.

The proven wildlife conservation tool of putting hunters into the field puts pressure on cougars which in turn has the effect of pushing cougars back out into the wild places where they do better

The Tribes manage Cougars differently. Same Landscape, Same Cougars. Same issues.

The Tribes do it better.

Eastern Washington Sheriffs manage Cougars differently. Same Landscape, Same Cougars. Same issues.

With good results.

WDFW Enforcement manages Cougars differently. Same Landscape. Same Cougars. Same issues.

Cougars do not recognize Tribal Land Boundaries or pay attention to what Counties they are in.

Cougars that engage in public safety risks, attack humans or engage in predation, depredation or conflict get dealt with swiftly by WDFW Enforcement.

Some of the Commissioners are dismissive of how these groups and individuals are managing Cougars and do not want their input.

Same Cougars. Same Landscape. Same Issues.

This petition asks this Commission / Department Staff to disclose with a number, just how much tribal land that has not been studied, how many Cougar Public Safety incidents have not been studied, by WDFW department staff, enforcement and biologists to gather Cougar Management data.

This petition asks this Commission / Department Staff to disclose with a number, just how much land held by private land owners has not been studied, how many Cougar Public Safety incidents have not been studied, due to private land owners not granting access to department biologists, staff and enforcement to gather Cougar Management data.

This petition asks this Commission / Department Staff to disclose with a number, how many Cougar Public Safety incidents have not been studied, due to County Sheriffs not granting access to department staff, enforcement & biologists to gather Cougar Management data.

If you have had a chance to read or listen to the 911 call associated with the recent Cougar attack on the bicyclist in King County, or read the reports associated with Cougar removals, attacks, predation or depredation listed on the WDFW Predatory Wildlife Incidents Map, you will see when things go wrong with Cougars engaging in predation or depredation, or attacks, many people call for help.

See attached news article:

'We Need A Helicopter ... And We Need Someone With A Gun' 911 Cougar Attack Call.

<https://nwsportsmanmag.com/we-need-a-helicopter-and-we-need-someone-with-a-gun-911-cougar-attack-call/>

I'm old enough to remember when neighbors were allowed, under the laws of the time, to help their neighbors.

If someone needed a hunter they knew one and they called them.

The contrast is so stark in how the Tribes manage their wildlife versus how the WDFW Commission has been managing the wildlife on the lands the WDFW Commission has authority over the last couple years, it is getting to be time to take a further look into what are the root causes for these differences. And to learn from their successes.

The contrast is so stark in how some County Sheriff's manage Cougars on the lands they are responsible for versus how the WDFW Commission has been managing Cougars on the lands the WDFW Commission has authority over the last couple years, it is getting to be time to take a further look into what are the root causes for these differences. And to learn from their successes.

The focus of the current Cougar Rulemaking underway is excluding the experiences and data available from WDFW Enforcement and Conflict Specialists.

This petition calls for a public facing briefing regarding the science and data that can be gathered from the WDFW Enforcement Officers and Conflict Specialists who are in the field boots on the ground dealing with Cougar depredation, predation, public safety concerns and attacks on humans.

The experiment of having a politically driven Fish and Wildlife Commission has run its course.

This petition calls for a public facing ***Cougar Management and Public Safety Briefing*** after department staff and this commission hold formal high level subject matter discussions and receives data from Tribal Managers, County Sheriff's, experts in Cougar Public Safety WDFW Wildlife Program Deputy Director Mick Cope and WDFW Enforcement Chief Steve Bear.

This petition calls for a public facing ***Cougar Management and Public Safety Briefing*** after department staff and this commission hold formal high level subject matter discussions and receives data from WDFW Enforcement Officers and Wildlife Conflict Specialists who are in the field boots on the ground dealing with Cougar depredation, predation, public safety concerns and attacks on humans.

The WDFW Predatory Wildlife Incidents Reports webpage over the past several years is full of incidents.

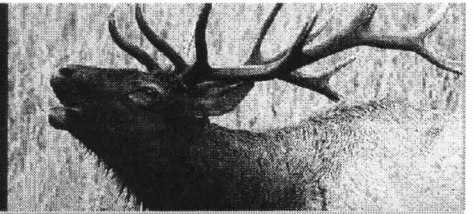
Public safety must be a primary concern in Cougar Management and Rulemaking.

Begin rulemaking for the ***Cougar Management & Public Safety Hunting Seasons*** to include input from WDFW historical experts, WDFW Enforcement Officers, WDFW Conflict Specialists, Tribal Managers, and County Sheriffs, who are all not being included in the separate Cougar Management rulemaking that is currently under way.



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'We Need A Helicopter ... And We Need Someone With A Gun': 911 Cougar Attack Call

'We Need A Helicopter ... And We Need Someone With A Gun': 911 Cougar Attack Call

By Andy Walgamott February 23, 2024 HEADLINES 0 Comments

More details on last Saturday's cougar attack on a 60-year-old woman on an upper Snoqualmie Valley trail are coming out, including how fellow cyclists fought the animal and their desperate 911 call, and they make for tough reading.



(WDFW)

Kendal and Alexa McCorkle say that their mother Keri faces a "lifelong battle and a long road ahead to recovery" from the bites to her face, jaw and neck and that she suffered permanent nerve damage, KOMO News's Hannah Knowles reported.

A photo Knowles tweeted shows a bandaged Keri on her feet and giving the thumbs up from the halls of Harborview Hospital, where she was treated and released.

Kendal and Alexa describe their mom as a "pillar in the women's biking community" and that she was accompanied that day on the popular trail near the towns of North Bend, Snoqualmie and Fall City by four other women.

"Mom was in the middle of the trail with two riders ahead and two riders behind her when she was tackled off her bike by a 75-pound cougar," they state in a Gofundme post that has raised nearly \$60,000 at the time of this writing late Friday morning.

"The cougar latched onto her lower jaw," their account continues. "Her courageous friends quickly jumped to action to save her life as well as their own. Ultimately it was their quick thinking that saved her life. They spent the next 15 minutes trying to fight the animal off of her. Finally he released and the ladies were able to get the animal away from her and had to hold him down with a bike to keep him from continuing the attack. They held him down for about 30 minutes until officers arrived at the scene. Because of these heroic women, we still have our mom with us. We are forever grateful to them all."

Another new story shares the 911 call that came from one of the cyclists.

"We need a helicopter on location and we need someone with a gun to kill the cougar," one of the callers said, according to KOMO. "We are right now we have a bicycle on top of the cougar and he's fighting back."

The cougar was shot by a state fish and wildlife officer responding to the scene.

"The people on scene took immediate action to render aid, and one of our officers was able to arrive within minutes to continue medical aid and coordinate transport. We may have had a very different outcome without their heroic efforts," WDFW Lieutenant Erik Olson said in an agency statement.

The animal was described as a 75-pound "young male" and its carcass was sent to a Washington State University lab to determine its body condition, test for disease and aging.

Hounds brought to the scene that afternoon could not locate a second reported cougar.

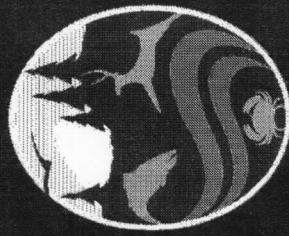
WDFW had no new updates on the incident, a spokeswoman said this hour.

The agency says cougar attacks are rare and offers tips on what to do in case of an encounter, but this latest one also occurred not far from the fatal 2018 attack on another cyclist, SJ Brooks.

A postmortem report on the 3-year-old animal involved in that incident "revealed no abnormalities that might have contributed to the animal's unusual behavior." WDFW also described the cougar as "lean, but its weight and body condition fall within a normal range for a cougar of its age."

In 2022, a 9-year-old girl was attacked by a cougar in Northeast Washington and survived serious injuries, while last July an 8-year-old boy suffered minor injuries after being attacked while camping in Olympic National Park.

Cougar Management and Public Safety Briefing



Eric Gardner – Wildlife Program Director
Anis Aoude – Game Division Manager
Mick Cope – Wildlife Program Deputy Director
Steve Bear – Enforcement Chief



Goal of Presentation

Provide background on cougar management to inform scoping for cougar season setting and public safety

Presentation Road Map

- Overview of issue
- Summary of Commission engagement
- Cougar Management
 - Cougar season framework within scope of Game Management Plan
 - Other States' programs
- Public Safety Programs

THE EDITOR'S NOTE

Congrats, fish and wildlife reformists, you somehow managed to align Washington anglers and hunters firmly with the tribes. True, it's a natural match, but it wasn't always so. Far from it.

Last month marked the 50th anniversary of the momentous *Boldt Decision*, when US District Court Judge George Hugo Boldt affirmed tribal treaty-reserved fishing rights to half of Washington's harvestable salmon and steelhead. It followed the Fish Wars, when the state actively suppressed those rights—"an embarrassing and shameful chapter of my agency's otherwise proud and rich legacy," Department of Fish and Wildlife Director Kelly Susewind acknowledged in a special statement on February 12, the actual anniversary.

Boldt was not exactly welcomed with open arms by anglers and others. If I had a nickel for every time I've heard or seen someone blame tribal gillnets for the catastrophic, all-encompassing habitat alterations, overharvest and government policies that since the mid-1800s have affected fish numbers far, far more, I would be rich.



US District Court Judge George Hugo Boldt. (WASHINGTON SECRETARY OF STATE)

BUT THESE DAYS I feel like there's a far better understanding among us and a burgeoning common purpose around protecting and restoring fish and their habitats, as well as providing and maintaining meaningful harvest opportunities and connections to the resources for all. No, things aren't all hunky-dory between tribes, WDFW and sportsmen: Access to the Skokomish River. The Point No Point not-ramp. Grays Harbor coho and steelhead.

However, it is the Washington Fish and Wildlife Commission's Conservation Policy that may have produced the biggest recent shift towards one another. As you've read here and on my blog since September 2021, some commissioners want to put in place worrisome overarching policy guidance for how WDFW manages fish and other natural resources, which it does in coordination with the tribes, and come up with a new definition of "conservation." Despite being advised last fall by agency staff to hold meetings with tribes on the policy before making a final decision – counsel that was called "absolutely absurd" by Commissioner Melanie Rowland – the citizen panel went damn-the-torpedoes-full-speed-ahead into a late January vote to approve it.

That's when the attorneys got involved as half a dozen Western Washington tribes formally demanded government-to-government consultations with the commission on the "unilaterally developed policy," stating it was "inappropriate for the state to develop an ambiguous definition of conservation without engaging tribal co-managers as sovereigns."

To be clear, the tribes were acting to protect their treaty rights, but as the dust has settled, another interpretation of the *Boldt Decision* took hold.

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Tom Nelson, host of *The Outdoor Line* on Seattle's 710 ESPN, told Brandi Kruse of the *[Un]Divided* podcast that the *Boldt Decision* now "has different implications, because now with this action, the tribes have demonstrated that their *Boldt Decision* is actually our *Boldt Decision* now."

The fish are shared "in common with" state residents.

Tweeted state Representative JT Wilcox (R-Yelm) on the ruling hitting the half-century mark, "I'm from the generation that thought this was a disaster & now many of us recognize that without Boldt & without tribes there would be few fish for any of us. Boldt forced the states to preserve salmon so that tribal & non tribal fishing peoples could express their own cultures."

On *Fish Hunt Northwest*, Wilcox said commissioners' statements "make it plain that they have great scorn for their obligation to consult with tribes and it's as if they don't understand that the *Boldt Decision* is a thing that is binding on them."

Rowland, a retired federal Endangered Species Act attorney who is one of the commission's chief proponents of the Conservation Policy, took exception to it being put on pause for consultations with the tribes, a "precedent that is totally open-ended in terms of our workload and how often we will need to do this." She asked, "Are we going to have independent tribal consultation processes with every policy, rule, guidance – I mean, whatever we vote on?"

A response came the next day from Lisa Wilson of the Lummi Nation: "You're damn right," she said to the commission's face. "If it affects our treaty rights, it has to be consultation."

Even as a learned observer told me Rowland's question was "pertinent" in terms of the state's interests, it felt like a grand rebuke to fish and wildlife reformists, and amounted to a 180 from where sportsmen were at in the 1970s, '80s and beyond with the tribes.

ON BOLDT'S 46TH anniversary, I did a piece on Ron Garner, state board president of Puget Sound Anglers, who literally waded into the Stillaguamish River to lend his strength and voice to common cause with the Stillaguamish Tribe – restoring the troubled stream's habitat and its perpetually fishery-constraining salmon runs.

"We've been fighting over the last fish for far too long and it hasn't worked," Garner said in a WDFW video highlighting how sportfishermen, tribes, farmers and others were working together on the effort. "We used to fight with the tribes constantly. Fingerprinting, blaming. We don't want to do that anymore, we want to bring our salmon runs back."

To be clear, that will be harder to do on the Stillaguamish than almost anywhere else, but it set an example by leadership and was illustrative of the overall changing and softening tone critically needed now more than ever to better work together around shared interests and goals.

Flash forward to last month, and *The Outdoor Line's* Nelson pointed out how sportsmen and tribes jointly share the "highest regard" for critters and their habitat "because it is part of their culture and part of their heritage, Brandi, and it's part of mine. I would not know how to exist on this planet if I couldn't hunt and fish. I wouldn't know what to eat."

This camaraderie and good feelings may only last a little while – North of Falcon, which came out of *Boldt* and is the annual divvying up of the harvestable catch, begins March 1 – but I for one am very interested to see where things go from here and stand at the 60th anniversary of the ruling as we realize more and more the strength in combining forces toward common goals. **–Andy Walgamott**



[Species & Habitats \(/species-habitats\)](#) / [Living with wildlife \(/species-habitats/living\)](#) / [Dangerous wildlife \(/species-habitats/living/dangerous-wildlife\)](#) / **Predatory wildlife incident reports**

Also in this section

Species & Habitats

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[At-risk species \(/species-habitats/at-risk\)](#)

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[Amphibians and reptiles of Washington \(/species-habitats/amphibians-reptiles\)](#)

[Marine toxic contaminants \(/species-habitats/science/marine-toxics\)](#)

[Wildlife viewing \(/species-](#)

Predatory wildlife incident reports

To report **poaching in progress and emergency predatory wildlife incidents**, dial 911.

For **non-emergency poaching or violation reporting, or non-emergency predatory wildlife incidents**, call 877-933-9847, or [submit an online report \(/about/enforcement/report\)](#). You can also text your poaching/violation tip to 847411 (TIP411).

View reports

State law requires the Washington Department of Fish and Wildlife (WDFW) to post on its website all reported incidents involving "predatory wildlife," defined as cougars, wolves, and grizzly bears.

As directed by [RCW 77.12.885](#), this includes accounts of "safety confrontations or sightings, as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock" within 10 days of receiving a report.

For incidents occurring *on or after* August 1, 2022 click the link below to view the map.

[Predatory Wildlife Incidents Map](#)

For incidents occurring *before* August 1, 2022 visit [Wildlife Conflict - Dangerous Incident Reports](#)

WDFW bases this information on reports by citizens to the department. Multiple reports that are very close in time and geographic location may be recorded as one incident.

All reports are sited in the general vicinity of the incident and appear within 10 days of the reported observation.



Photo by Brad Whitcher
Cougar in snow covered tree



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