

HOUSE BILL REPORT

ESSB 5001

As Passed House - Amended:

March 3, 2000

Title: An act relating to hunting cougar.

Brief Description: Authorizing hunting of cougar with the aid of dogs.

Sponsors: Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Morton, Deccio, Honeyford, T. Sheldon, Swecker, Hargrove, Rossi, Hochstatter, Oke and Rasmussen).

Brief History:

Committee Activity:

Natural Resources: 2/22/00, 2/25/00 [DPA].

Floor Activity:

Passed House - Amended: 3/3/00, 62-36.

**Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)**

- Allows the use of dogs to hunt cougars within selected areas of a game management unit to address a public safety need presented by one or more cougar, but only after the Fish and Wildlife Commission has determined that no practical alternative to the use of dogs exists, and has adopted rules describing the conditions in which dogs may be used.
- Allows the director of the Department of Fish and Wildlife to issue a permit to a public agency, university, or scientific or educational institution for the use of dogs to capture and relocate black bear, cougar, bobcat, or lynx for scientific purposes.
- Allows the director of the Department of Fish and Wildlife to issue a permit to a public agency, university, or scientific or educational institution for the use of dogs to kill black bear, cougar, or bobcat for the protection of endangered species.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Buck, Republican Co-Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen and Pennington.

Minority Report: Do not pass. Signed by 4 members: Representatives Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Rockefeller and Stensen.

Staff: Josh Weiss (786-7129).

Background:

Prior to 1996 the Department of Fish and Wildlife allowed hunters to use dogs in hunting cougar. The department regulated this activity through administrative rule, under its authority to implement reasonable time, place, and manner restrictions on hunting activities. These regulations included limitations on the use of dogs.

In the general election of November 5, 1996, 63 percent of the voters in Washington approved Initiative 655, which banned the use of bait to attract black bears and the use of hounds to hunt bear, cougar, bobcat, or lynx. These provisions became effective December 5, 1996, and were codified at RCW 77.16.360. Several other western states including Oregon, Colorado, and California have either banned or heavily regulate the use of dogs to hunt cougar. Since the initiative was enacted, cougar populations, cougar sightings and incidents of cougar damage to livestock have increased. Cougars have also attacked humans since the passage of the initiative.

Current law allows employees of county, state, and federal agencies to use dogs as an aid to killing cougars for the purpose of protecting livestock, domestic animals, private property, or public safety. In addition, the director of the Department of Fish and Wildlife may issue a permit to a public agency, university, or scientific or educational institution for the use of dogs to pursue cougar for scientific purposes.

The department may authorize a special hunt to reduce the potential for property damage, but this hunt may not involve the use of dogs to hunt cougar. In addition, an owner, an owner's immediate family members or employees, and tenants of real property may kill wild animals (including cougar) that are damaging crops or domestic animals without a license from the department. However, such persons may not use dogs to pursue cougars in taking any such actions.

The director of the Department of Fish and Wildlife may also allow the removal or killing of cougars or bears that are destroying property, or for wildlife management or research. The department may not use dogs or bait in taking these actions.

Summary of Amended Bill:

The bill allows the use of dogs to hunt cougars in certain circumstances. The Fish and Wildlife Commission shall authorize the use of dogs to hunt cougar within selected areas of a game management unit to address a public safety need presented by one or more cougar. Before taking such actions, the commission must make a determination that no other practical alternative to the use of dogs exists. In addition, the commission is first required to adopt rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs include confirmed cougar human safety incidents, confirmed cougar livestock and pet depredations, and the number of cougar capture attempts and relocations.

In addition the director's authority to issue a permit to a public agency, university, or scientific or educational institution for the use of dogs is expanded to include the capture and relocation, of cougars, black bear, bobcat, or lynx. The director may also issue such a permit for the killing of black bear, cougar, or bobcat, for the protection of endangered species.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: This is a management tool that would allow the department to focus on a specific game management unit, of which there are 157 in the state. There is a change from last year's bill, the area in which hunting can occur is broadened. There have been serious incidents in northeast Washington, including the attack of Jacob Walsh, a four-year old. Jacob was attacked by a cougar in a creek bed 30 feet from his home. Jacob was found by his aunt. The cougar had Jacob by the throat, and was leaving the attack area when found. Jacob's aunt told the cougar three times to let Jacob go, and after the third time, it did. Jacob underwent four hours of surgery and had over 200 stitches. We don't want cougar populations totally eradicated, and we want a balance, but we also want to be safe. Cougars have lost their fear of man. The Hunters Heritage Council is dedicated to sound natural resources management. This issue is surrounded by lots of emotional rhetoric. The bill is a consensus based bipartisan approach that is supported by the Governor. This corrects a deficiency in the voter-approved initiative. Pass this language out without amendment since it is consensus based. There have been sightings near the North Mason School. We want cougars entirely removed from the Kitsap peninsula. This is a public safety problem that isn't being managed responsibly. We don't want to completely remove the cougars, but they don't belong in an urban environment. Cougars should be moved to an area where they won't bother humans. There needs to be a monitoring program to keep track of actions taken by the department.

Elk are declining in the White River and Green River watersheds. There's a 22 percent mortality rate in both areas. Cougars are the dominant mortality factor in the Green River watershed. These cougars are moving into the White River watershed and starting to kill elk there. The Muckleshoot Tribe supports the bill, but as a sovereign nation would like to be more involved in the future.

The Department of Fish and Wildlife wants to be able to take a proactive rather than a reactive approach to this issue. This bill would allow that. We can only deal with problem animals, and don't always know if we catch the specific animal. This allows the commission to issue permits to hunt cougar with dogs after all other animals have been exhausted. There's evidence on both sides of the issue saying population control will have an effect on human interactions, and that it won't. This is an opportunity to address interactions and minimize them. An average female cougar needs 35 square miles, while an average male requires up to 100 square miles. There are a minimum of 2,500 cougars in the state, and we estimate that there is enough habitat to support up to 4,000.

Testimony Against: There have only been eight people attacked in all of Washington's history, and only one person killed, in the 1920s. If eliminating cougar hunting would negatively effect public safety, the Humane Society would never have supported Initiative 655. There is no basis in fact that the initiative has had an effect on public safety. The initiative made it clear that the public shouldn't be able to hunt with dogs, but also that the public safety could be protected with the use of dogs by the department. The department has wide discretion in defining what a problem animal is, and the Humane Society has never questioned a decision made by the department. The department still has a hunting season and the number of cougars killed across the state has increased, which the Humane Society does not oppose. There have been more cougars killed in the game management unit in which Jacob was attacked than anywhere else in the state. Initiative 655 passed with 63 percent of the people's vote. Sections 2(a), 3(a), and 3(b) repeal the initiative. The department has the authority to manage cougars, and the Legislature should fund increased responses and education. The Governor requested \$1.1 million for this, and we support that. The bill fails to address specific problem areas. The emergency clause should be deleted. We support killing cougars to protect endangered and threatened species. This bill won't prevent another attack like the one on Jacob. Random hunting to cull an entire population doesn't protect public safety.

Public safety issues are more perceived than a reality. Cougar habitat is being squeezed by humans. There are times when a specific cougar needs to be eliminated. You will never be able to legislate a zero-risk life. One of the reasons Washington is a special place is that there are still animals like the cougar here. My wife and I gathered over 2,000 signatures for the initiative. The use of bait and dogs is unfair, and unsporting. The number of cougars has increased, but the department has the tools it needs to deal with them. If you live in the woods there's a risk, but there's also the chance that you could witness this wildlife. I spend a lot of time in the woods, have only seen a few

cougars, but have seen lots of dogs chasing wildlife. There's more danger from hunters and their dogs than from cougars. There needs to be education on dealing with cougars. There are more factors to this than just populations increasing. The department should have a cougar "SWAT" team.

Testified: (In support) Senator Morton, prime sponsor; Darrell Shute with Jacob Walsh; Vicki Baker; Sandy Walsh; Ed Owens, Hunters Heritage Council; Peter Overton; David Vales, Muckleshoot Indian Tribe; Mike Moran, Muckleshoot Indian Tribe; and Bruce Bjork and Steve Pozzanghera, Washington Department of Fish and Wildlife.

(Opposed) William Aldrich and Lisa Wathne, Humane Society of the United States; Will Anderson, Progressive Welfare Animal Society; Dr. Dale Grenier; Jim Reynolds; John Thompson; and Jim O'Donnell, Forest Wildlife and Management.