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SENATE BILL 5356

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Morton, Swecker, Ericksen, Schoesler, Delvin, Hatfield, and Roach

Read first time 01/21/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to allowing the use of dogs to hunt cougars;  
2 amending RCW 77.15.245; adding a new section to chapter 77.36 RCW; and  
3 creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the lawful,  
6 regulated use of dogs to hunt cougar can:

7 (1) Be the most effective and biologically responsible tool for  
8 cougar population conservation and management;

9 (2) Benefit public safety and protect private property; and

10 (3) Address a localized concern that a cougar population has  
11 exceeded a community's tolerance.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.36 RCW  
13 to read as follows:

14 (1) The commission shall adopt rules to establish seasons for  
15 hunting cougar with the aid of dogs consistent with this section.

16 (2) All rules adopted by the commission regarding the hunting of  
17 cougars with the aid of dogs must:

18 (a) Ensure viable cougar population levels;

1 (b) Be reflective of the best available science pertaining to  
2 cougar management and conservation;

3 (c) Be developed in collaboration with a broad representation of  
4 stakeholders;

5 (d) Provide that seasons for hunting cougar with the aid of dogs  
6 only be utilized in game management units where the department has  
7 determined that the use of dogs for this purpose is necessary to:

8 (i) Conserve and manage cougar populations;

9 (ii) Protect public safety and private property; or

10 (iii) Address a localized concern that a cougar population has  
11 exceeded a community's tolerance.

12 **Sec. 3.** RCW 77.15.245 and 2005 c 107 s 1 are each amended to read  
13 as follows:

14 (1) Notwithstanding the provisions of RCW 77.12.240, (~~77.36.020~~),  
15 77.36.030, or any other provisions of law, it is unlawful to take,  
16 hunt, or attract black bear with the aid of bait.

17 (a) Nothing in this subsection shall be construed to prohibit the  
18 killing of black bear with the aid of bait by employees or agents of  
19 county, state, or federal agencies while acting in their official  
20 capacities for the purpose of protecting livestock, domestic animals,  
21 private property, or the public safety.

22 (b) Nothing in this subsection shall be construed to prevent the  
23 establishment and operation of feeding stations for black bear in order  
24 to prevent damage to commercial timberland.

25 (c) Nothing in this subsection shall be construed to prohibit the  
26 director from issuing a permit or memorandum of understanding to a  
27 public agency, university, or scientific or educational institution for  
28 the use of bait to attract black bear for scientific purposes.

29 (d) As used in this subsection, "bait" means a substance placed,  
30 exposed, deposited, distributed, scattered, or otherwise used for the  
31 purpose of attracting black bears to an area where one or more persons  
32 hunt or intend to hunt them.

33 (2)(a) Notwithstanding RCW 77.12.240, (~~77.36.020~~) 77.36.030, or  
34 any other provisions of law, it is unlawful to hunt or pursue black  
35 bear, (~~cougar~~) bobcat, or lynx with the aid of a dog or dogs.  
36 Cougars may only be hunted or pursued with the aid of a dog or dogs if  
37 done so consistent with rules adopted under section 2 of this act.

1        ~~((a))~~ (b) Nothing in this subsection shall be construed to  
2 prohibit the killing of black bear, cougar, bobcat, or lynx with the  
3 aid of a dog or dogs by employees or agents of county, state, or  
4 federal agencies while acting in their official capacities for the  
5 purpose of protecting livestock, domestic animals, private property, or  
6 the public safety. A dog or dogs may be used by the owner or tenant of  
7 real property consistent with a permit issued and conditioned by the  
8 director.

9        ~~((b))~~ (c) Nothing in this subsection shall be construed to  
10 prohibit the director from issuing a permit or memorandum of  
11 understanding to a public agency, university, or scientific or  
12 educational institution for the use of a dog or dogs for the pursuit,  
13 capture and relocation, of black bear, cougar, bobcat, or lynx for  
14 scientific purposes.

15        ~~((c))~~ (d) Nothing in this subsection shall be construed to  
16 prohibit the director from issuing a permit or memorandum of  
17 understanding to a public agency, university, or scientific or  
18 educational institution for the use of a dog or dogs for the killing of  
19 black bear, cougar, or bobcat, for the protection of a state and/or  
20 federally listed threatened or endangered species.

21        ~~(3)((a) Notwithstanding subsection (2) of this section, the~~  
22 ~~commission shall authorize the use of dogs only in selected areas~~  
23 ~~within a game management unit to address a public safety need presented~~  
24 ~~by one or more cougar. This authority may only be exercised after the~~  
25 ~~commission has determined that no other practical alternative to the~~  
26 ~~use of dogs exists, and after the commission has adopted rules~~  
27 ~~describing the conditions in which dogs may be used. Conditions that~~  
28 ~~may warrant the use of dogs within a game management unit include, but~~  
29 ~~are not limited to, confirmed cougar/human safety incidents, confirmed~~  
30 ~~cougar/livestock and cougar/pet depredations, and the number of cougar~~  
31 ~~capture attempts and relocations.~~

32        ~~(b))~~ The department shall post on their internet web site the  
33 known details of all reported cougar/human, cougar/pet, or  
34 cougar/livestock interactions within ten days of receiving the report.  
35 The posted material must include, but is not limited to, the location  
36 and time of all reported sightings, and the known details of any  
37 cougar/livestock incidents.

1 (4) A person who violates subsection (1) or (2) of this section is  
2 guilty of a gross misdemeanor. In addition to appropriate criminal  
3 penalties, the department shall revoke the hunting license of a person  
4 who violates subsection (1) or (2) of this section and order the  
5 suspension of wildlife hunting privileges for a period of five years  
6 following the revocation. Following a subsequent violation of  
7 subsection (1) or (2) of this section by the same person, a hunting  
8 license shall not be issued to the person at any time.

9 NEW SECTION. **Sec. 4.** The initial rules required to implement  
10 section 2 of this act must be adopted by the fish and wildlife  
11 commission by September 30, 2011.

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