

2 **ESHB 1652** - S AMD TO LAW COMM AMD (S5554.1)

3 By Senators Hargrove, A. Smith, Oke and Owen

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5 On page 25, after line 9 of the amendment, insert the following:

6 "NEW SECTION. **Sec. 19.** A new section is added to chapter 16.52
7 RCW to read as follows:

8 A person may kill a bear or cougar that is reasonably perceived to
9 be an unavoidable and immediate threat to human life.

10 **Sec. 20.** RCW 77.12.265 and 1987 c 506 s 35 are each amended to
11 read as follows:

12 The owner or tenant of real property may trap or kill on that
13 property wild animals or wild birds, other than an endangered species,
14 that is threatening human life or damaging crops, domestic animals,
15 fowl, or other property. Except in emergency situations, deer, elk,
16 and protected wildlife shall not be killed without a permit issued and
17 conditioned by the director. The director may delegate this authority.

18 For the purposes of this section, "emergency" means an unforeseen
19 circumstance beyond the control of the landowner or tenant that
20 presents a real and immediate threat to human life, crops, domestic
21 animals, fowl, or other property.

22 Alternatively, when sufficient time for the issuance of a permit by
23 the director is not available, verbal permission may be given by the
24 appropriate department regional administrator to owners or tenants of
25 real property to trap or kill on that property any cougar, bear, deer,
26 elk, or protected wildlife which is threatening human life or damaging
27 crops, domestic animals, fowl, or other property. The regional
28 administrator may delegate, in writing, a member of the regional staff
29 to give the required permission in these emergency situations. Nothing
30 in this section authorizes in any situation the trapping, hunting, or
31 killing of an endangered species.

32 Wildlife trapped or killed under this section remains the property
33 of the state, and the person trapping or killing the wildlife shall
34 notify the department immediately. The director shall dispose of

1 wildlife so taken within three working days of receiving such a
2 notification.

3 If the department receives recurring complaints regarding property
4 being damaged as described in this section from the owner or tenant of
5 real property, or receives such complaints from several such owners or
6 tenants in a locale, the commission shall consider conducting a special
7 hunt or special hunts to reduce the potential for such damage.

8 For purposes of this section, "crop" means an agricultural or
9 horticultural product growing or harvested and includes wild shrubs and
10 range land vegetation on privately owned cattle ranching lands. On
11 such lands, the land owner or lessee may declare an emergency when the
12 department has not responded within forty-eight hours after having been
13 contacted by the land owner or lessee regarding crop damage by wild
14 animals or wild birds. However, the department shall not allow claims
15 for damage to wild shrubs or range land vegetation on such lands.

16 Deer and elk shall not be killed under the authority of this
17 section on privately owned cattle ranching lands that were closed to
18 public hunting during the previous hunting season, except for land
19 closures which are coordinated with the department to protect property
20 and livestock.

21 The department shall work closely with landowners and tenants
22 suffering game damage problems to control damage without killing the
23 animals when practical, to increase the harvest of damage-causing
24 animals in hunting seasons, or to kill the animals when no other
25 practical means of damage control is feasible."

26 Renumber the sections consecutively and correct internal references
27 accordingly.

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31 On page 25, line 32 of the title amendment, strike "and 81.56.120"
32 and insert "81.56.120, and 77.12.265"

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