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**SUBSTITUTE HOUSE BILL 2438**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Williams, Blake, McCune, Newhouse, Takko, Chandler, Condotta, Armstrong, Dunn, McDonald, Warnick, and Pearson)

READ FIRST TIME 02/05/08.

1       AN ACT Relating to adding permanency to a pilot project that  
2 allowed for the use of dogs in cougar hunting; amending RCW 77.15.245;  
3 amending 2007 c 178 ss 1 and 2 (uncodified); and adding new sections to  
4 chapter 77.12 RCW.

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

6       **Sec. 1.** 2007 c 178 s 1 (uncodified) is amended to read as follows:

7       (1)(a) The department (~~((of fish and wildlife))~~), in cooperation and  
8 collaboration with the county legislative authorities of Ferry,  
9 Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend  
10 rules to (~~((establish a three-year pilot program))~~) allow, within select  
11 game management units of these counties, (~~((to pursue))~~) the pursuit or  
12 (~~((kill))~~) killing of cougars with the aid of dogs.

13       (b) A pursuit season and a kill season with the aid of dogs must be  
14 established through the (~~((fish and wildlife))~~) commission's rule-making  
15 process, utilizing local dangerous wildlife task teams comprised of the  
16 two collaborating authorities. The two collaborating authorities shall  
17 also develop a more effective and accurate dangerous wildlife reporting  
18 system to ensure a timely response.

1        (c) The ~~((pilot program's))~~ primary goals of the pursuit and kill  
2 seasons are to provide for public safety, to protect property, and to  
3 ~~((assess cougar populations))~~ address the cougar population objectives  
4 identified in the department's game management plan.

5        (2) Any rules adopted by the ~~((fish and wildlife))~~ commission to  
6 establish ~~((a pilot project))~~ seasons allowing for the pursuit or  
7 hunting of cougars with the aid of dogs under this section only must  
8 ensure that all pursuits or hunts are:

9        (a) Designed to protect public safety or property or to meet cougar  
10 population objectives;

11        (b) Reflective of the most current cougar population data; and

12        ~~((Designed to generate data that is necessary for the~~  
13 ~~department to satisfy the reporting requirements of section 3 of this~~  
14 ~~act; and~~

15        ~~((d))~~ Consistent with any applicable recommendations emerging from  
16 research on cougar population dynamics in a multiprey environment  
17 ~~((conducted by Washington State University's department of natural~~  
18 ~~resource sciences that was))~~ funded in whole or in part by the  
19 department ~~((of fish and wildlife)).~~

20        ~~((3) The department of fish and wildlife may authorize one~~  
21 ~~additional season in which cougars may be pursued or killed with dogs,~~  
22 ~~subject to the other conditions of the pilot project. This additional~~  
23 ~~season is authorized to avoid a lag in cougar management and~~  
24 ~~conditioning between the end of the third pilot cougar season and the~~  
25 ~~time needed for the 2008 legislature to consider the report provided~~  
26 ~~under section 3, chapter 264, Laws of 2004, and is not intended to be~~  
27 ~~considered as part of the study period.))~~

28        **Sec. 2.** 2007 c 178 s 2 (uncodified) is amended to read as follows:

29        A county legislative authority may request inclusion in the  
30 ~~((fourth and final year of the cougar control pilot project))~~ cougar  
31 pursuit and kill seasons authorized by ~~((chapter 264, Laws of 2004))~~  
32 section 1 of this act after taking the following actions:

33        (1) Adopting a resolution that requests inclusion in the ~~((pilot~~  
34 ~~project))~~ cougar pursuit and kill seasons;

35        (2) Documenting the need to participate in the ~~((pilot project))~~  
36 cougar pursuit and kill seasons by identifying the number of  
37 cougar/human encounters and livestock and pet depredations;

1 (3) Developing and agreeing to the implementation of an education  
2 program designed to disseminate to landowners and other citizens  
3 information about predator exclusion techniques and devices and other  
4 nonlethal methods of cougar management; and

5 (4) Demonstrating that existing cougar depredation permits, public  
6 safety cougar hunts, or other existing wildlife management tools have  
7 not been sufficient to deal with cougar incidents in the county.

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

10 (1) Notwithstanding the provisions of RCW 77.12.240, 77.36.020,  
11 77.36.030, or any other provisions of law, it is unlawful to take,  
12 hunt, or attract black bear with the aid of bait.

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

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

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

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

29 (2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any  
30 other provisions of law, except as provided in section 1 of this act,  
31 it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx  
32 with the aid of a dog or dogs.

33 (a) Nothing in this subsection shall be construed to prohibit the  
34 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or  
35 dogs by employees or agents of county, state, or federal agencies while  
36 acting in their official capacities for the purpose of protecting

1 livestock, domestic animals, private property, or the public safety.  
2 A dog or dogs may be used by the owner or tenant of real property  
3 consistent with a permit issued and conditioned by the director.

4 (b) Nothing in this subsection shall be construed to prohibit the  
5 director from issuing a permit or memorandum of understanding to a  
6 public agency, university, or scientific or educational institution for  
7 the use of a dog or dogs for the pursuit, capture and relocation, of  
8 black bear, cougar, bobcat, or lynx for scientific purposes.

9 (c) Nothing in this subsection shall be construed to prohibit the  
10 director from issuing a permit or memorandum of understanding to a  
11 public agency, university, or scientific or educational institution for  
12 the use of a dog or dogs for the killing of black bear, cougar, or  
13 bobcat, for the protection of a state and/or federally listed  
14 threatened or endangered species.

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

26 (b) The department shall post on their internet web site the known  
27 details of all reported cougar/human, cougar/pet, or cougar/livestock  
28 interactions within ten days of receiving the report. The posted  
29 material must include, but is not limited to, the location and time of  
30 all reported sightings, and the known details of any cougar/livestock  
31 incidents.

32 (4) A person who violates subsection (1) or (2) of this section is  
33 guilty of a gross misdemeanor. In addition to appropriate criminal  
34 penalties, the department shall revoke the hunting license of a person  
35 who violates subsection (1) or (2) of this section and order the  
36 suspension of wildlife hunting privileges for a period of five years  
37 following the revocation. Following a subsequent violation of

1 subsection (1) or (2) of this section by the same person, a hunting  
2 license shall not be issued to the person at any time.

3 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are each added  
4 to chapter 77.12 RCW.

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