

SSB 5356 - H AMD 652

By Representative Dunshee

NOT CONSIDERED 04/22/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** 2008 c 8 s 1 (uncodified) is amended to read as follows:

4 (1)(a) The department (~~((of fish and wildlife))~~), in cooperation and
5 collaboration with the county legislative authorities of Ferry,
6 Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend
7 rules to establish a (~~((three-year pilot))~~) cougar control program within
8 select game management units of these counties and any counties
9 successfully petitioning for inclusion under section 2 of this act, to
10 pursue or kill cougars with the aid of dogs.

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

17 (c) The (~~((pilot))~~) program's primary goals are to provide for public
18 safety, to protect property, and to assess cougar populations.

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

23 (a) Designed to protect public safety or property;

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

25 (c) Conditioned on the licensed hunter participating in the cougar
26 hunting season not being permitted to exchange payment to a commercial
27 enterprise for the use of dogs for the purposes of hunting under the
28 license;

29 (d) Designed to generate data that is necessary for the department
30 to satisfy the reporting requirements of section 3 of this act; and

1 ~~((d))~~ (e) Consistent with any applicable recommendations emerging
2 from research on cougar population dynamics in a multiprey environment
3 ~~((funded in whole or in part by the department of fish and wildlife))~~.

4 ~~((3) The department of fish and wildlife may authorize three
5 additional seasons in which cougars may be pursued or killed with dogs,
6 subject to the other conditions of the pilot project. The additional
7 seasons are authorized to aid the department in the gathering of
8 information necessary to formulate a recommendation to the legislature
9 regarding whether a permanent program is warranted, and if so, what
10 constraints, goals, and objectives should be included in a permanent
11 program.)~~

12 **Sec. 2.** 2008 c 8 s 2 (uncodified) is amended to read as follows:

13 (1) A county legislative authority may request inclusion in the
14 ~~((additional three years of the))~~ cougar control ~~((pilot project))~~
15 program authorized by section 1 of this act after taking the following
16 actions:

17 ~~((1))~~ (a) Adopting a resolution that requests inclusion in the
18 ~~((pilot project))~~ program;

19 ~~((2))~~ (b) Documenting the need to participate in the ~~((pilot
20 project))~~ program by identifying the number of cougar/human encounters
21 and livestock and pet depredations;

22 ~~((3))~~ (c) Developing and agreeing to the implementation of an
23 education program designed to disseminate to landowners and other
24 citizens information about predator exclusion techniques and devices
25 and other nonlethal methods of cougar management; and

26 ~~((4))~~ (d) Demonstrating that existing cougar depredation permits,
27 public safety cougar hunts, or other existing wildlife management tools
28 have not been sufficient to deal with cougar incidents in the county.

29 (2) The department shall automatically include a county
30 participating in the initial pilot program authorized by chapter 8,
31 Laws of 2008 into the program extension authorized in section 1 of this
32 act under the initial terms of inclusion.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW
34 to read as follows:

35 The department shall biennially deliver to the legislature,
36 consistent with RCW 43.01.036, a report summarizing the cougar control

1 program authorized in section 1 of this act. The report must include
2 information relating to how the program has been used to assess cougar
3 population levels and protect public safety and property. The report
4 may also include any recommendations as to how the cougar control
5 program can be changed to achieve more effective or efficient cougar
6 management.

7 **Sec. 4.** RCW 77.15.245 and 2005 c 107 s 1 are each amended to read
8 as follows:

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

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

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

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

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

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

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

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

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

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

16 (3)(a) ~~((Notwithstanding))~~ Except as provided in subsection (2) of
17 this section and section 1 of this act, the commission shall authorize
18 the use of dogs only in selected areas within a game management unit to
19 address a public safety need presented by one or more cougar. This
20 authority may only be exercised after the commission has determined
21 that no other practical alternative to the use of dogs exists, and
22 after the commission has adopted rules describing the conditions in
23 which dogs may be used. Conditions that may warrant the use of dogs
24 within a game management unit include, but are not limited to,
25 confirmed cougar/human safety incidents, confirmed cougar/livestock and
26 cougar/pet depredations, and the number of cougar capture attempts and
27 relocations.

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

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

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

4 NEW SECTION. **Sec. 5.** The initial report required under section 3
5 of this act must be delivered by October 31, 2013.

6 NEW SECTION. **Sec. 6.** Sections 1 and 2 of this act are each added
7 to chapter 77.12 RCW.

8 NEW SECTION. **Sec. 7.** The secretary of state shall submit this act
9 to the people for their adoption and ratification, or rejection, at the
10 next general election to be held in this state, in accordance with
11 Article II, section 1 of the state Constitution and the laws adopted to
12 facilitate its operation."

13 Correct the title.

EFFECT: Makes permanent the cougar control pilot program,
prohibits program participants from paying commercial operations for
the use of dogs, removes the specification that the research required
to be used in the cougar control project must be that research that is
funded by the department of fish and wildlife, requires biennial
reporting on the program from the department of fish and wildlife, and
adds a referendum clause.

--- END ---