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**Agriculture & Natural Resources  
Committee**

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**HB 2365**

**Brief Description:** Regarding large wild carnivore conflict management.

**Sponsors:** Representatives Blake, Kretz, Dunshee and McCune; by request of Department of Fish and Wildlife.

**Brief Summary of Bill**

- Adds the gray wolf to the list of big game species.
- Allows the State Wildlife Account to be used for compensating the owners of commercial livestock for damage caused by wild carnivores.
- Prohibits the negligent or intentional feeding of wild carnivores.

**Hearing Date:** 1/24/12

**Staff:** Jason Callahan (786-7117).

**Background:**

Wildlife Damage Compensation.

The Department of Fish and Wildlife (Department) is directed to, subject to funding limits, monetarily compensate the owners of commercial crops damaged by deer or elk and the owners of commercial livestock that are killed or significantly injured by bears, cougars, or wolves. Each individual claim by a crop or livestock owner is eligible to be paid the value of the lost crop less any payments received by a non-profit organization up to a maximum of \$10,000. For livestock, the compensation is \$200 for each lost sheep and \$1,500 for each lost head of cattle or horse.

Total compensation for the owners of commercial crops generally may not exceed \$150,000 per year, and total compensation for the owners of commercial livestock may not exceed the

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amounts specifically appropriated for the purpose. To date, no funding has been provided for compensation to the owners of commercial livestock.

The owners of property that does not qualify as commercial crops or livestock may still apply to the Department for compensation for damage caused by mammals or birds. However, unlike compensation for crops and livestock, the Department is not required to provide compensation, and any compensation provided may not be in the form of monetary payments. Compensation for this class of damage must take the form of materials or services.

The Fish and Wildlife Commission has, pursuant to legislative direction, identified criteria that determines whether damage to property qualifies for compensation. Different criteria may apply to mandatory compensation claims and discretionary claims. For mandatory commercial crop and livestock claims, the criteria must provide for a minimum economic loss. The minimum loss must be set to at least \$500.

Property owners may not receive compensation from the Department if they have insurance that provides compensation for the crop loss. Also, they must first exhaust any available compensation offers from non-profit organizations and utilize all applicable legal and practicable self-help preventative measures. Self-help measures include non-lethal methods of damage prevention and materials and services provided by the Department.

The Department maintains a process for a compensation applicant to follow. Elements of the process must include forms of proof, anticipated timelines for decisions from the Department, prioritization of claims, a process for determining damage assessments, and protocols for when an owner intends to salvage any still-harvestable crops.

### Big Game Designation.

There are 11 species of wildlife that are designated as "big game". These species include most wild ungulates, cougars, and bears. There are specific penalties, responsibilities, and prohibitions that apply only to big game species. For instance, there are enhanced penalties for wildlife-related crimes that involve big game species and, in the case of violations involving multiple individual animals, only species considered big game or endangered may be prosecuted as separate offenses for each animal taken.

### **Summary of Bill:**

#### Wildlife Damage Compensation.

The Department of Fish and Wildlife (Department) is authorized to spend up to \$50,000 per fiscal year from the State Wildlife Account to pay claims and assessment costs for injuries and losses to commercial livestock from bears, wolves, and cougars. This authority is additive to the Department's authority to use State Wildlife Account funding for ungulate damage to plant crops.

The Fish and Wildlife Commission is directed to adopt rules setting limits and conditions for all wildlife damage claims, including plant crop damage, livestock predation, property damage, and other mitigating actions.

### Big Game Designation.

The gray wolf (*Canis lupus*) is added to the list of species that are considered to be big game. Statutes establishing penalties, responsibilities, and prohibitions exclusive to big game species apply to the gray wolf by reference to the new definition.

### Feeding of Wildlife.

The intentional feeding of bears, wolves, and cougars is made unlawful. A violation of this prohibition can be punished as a civil infraction if the feeding occurred negligently and as a criminal misdemeanor if the feeding was intentional.

The *negligent* feeding of large wild carnivores occurs when a person provides, leaves, or places in a building any food, food waste, or other substance that could attract a large carnivore in a situation where a reasonable person would understand that the act could attract a carnivore. An infraction for this behavior may be written by an enforcement officer employed by the Department, an ex officio fish and wildlife officer, or a local animal control officer if there is probably cause to believe that the behavior poses a risk to the safety of a person, livestock, or pet or if the person failed to comply with a written warning within two days of the warning's issuance. Written warnings may be issued if there are articulate facts to support the idea that a person is responsible for placing the food, food waste, or other substance in an inappropriate place and that the act poses a risk to the safety of people, pets, or livestock.

There are some exceptions from the prohibition against feeding carnivores. These exceptions include permitted forest practices, licensed hunting and fishing, generally accepted ranching and farming operations, waste disposal facilities, permitted scientific collections, and employees and agents of the Department.

A person may be cited for the criminal misdemeanor of *intentional* feeding of large carnivores if the provision of food or food waste in a way that could attract carnivores was purposeful or done knowingly. A misdemeanor may also be cited if a person who receives an infraction for the negligent feeding of carnivores fails to correct the problem within 24 hours of being issued the infraction.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.