

SENATE BILL REPORT

E2SHB 2365

As Reported by Senate Committee On:
Energy, Natural Resources & Marine Waters, February 23, 2012

Title: An act relating to large wild carnivore conflict management.

Brief Description: Regarding large wild carnivore conflict management.

Sponsors: House Committee on General Government Appropriations & Oversight (originally sponsored by Representatives Blake, Kretz, Dunshee and McCune; by request of Department of Fish and Wildlife).

Brief History: Passed House: 2/09/12, 97-0.

Committee Activity: Energy, Natural Resources & Marine Waters: 2/15/12, 2/23/12 [DPA, DNP, w/oRec].

SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

Majority Report: Do pass as amended.

Signed by Senators Ranker, Chair; Delvin, Ranking Minority Member; Morton, Ranking Minority Member; Stevens and Swecker.

Minority Report: Do not pass.

Signed by Senators Regala, Vice Chair; Fraser.

Minority Report: That it be referred without recommendation.

Signed by Senator Murray.

Staff: Angeline Thomas (786-7470)

Background: The Washington Department of Fish and Wildlife (WDFW) is responsible for maintaining the state's fish and wildlife populations while also addressing the safety and property of its human residents.

Status of the Gray Wolf. The gray wolf is listed as endangered under state law and receives protection from hunting, possession, malicious harassment, and killing.

Big Game. Big game animals are classified by species and currently include animals such as elk, moose, cougars, and certain species of deer, among others. Hunting of big game is

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

lawful with proper licenses, tags, and/or permits required by law. However, unlawful hunting of big game has both criminal and civil penalties.

Damage Compensation. WDFW manages a wildlife damage crop compensation program that compensates commercial crop owners for damage done to their crops by elk and deer. The program also compensates commercial livestock owners for damage done to their property by cougars, wolves, and bears.

Under the compensation program, commercial livestock includes cattle, sheep, and horses held or raised by a person for sale. The owner of the livestock may receive the fair market value of an animal that is killed by predatory wildlife, or that is injured to such a degree that the commercial value of the animal is diminished, if certain eligibility requirements are met. Payments for claims may not exceed the total amount specifically appropriated for this purpose. To date, no funding has been provided for compensation to the owners of commercial livestock.

Summary of Bill (Recommended Amendments): Defines Terms. The following terms are defined: building, food, intentional feeding, negligent feeding, and large wild carnivore.

Additionally, the gray wolf (*Canis Lupis*) is added to the definition of big game. Statutes establishing penalties, responsibilities, and prohibitions exclusive to big game species apply to the gray wolf by reference.

Wildlife Damage Compensation is Changed. WDFW may not pay more than \$50,000 per fiscal year from the state wildlife account to cover livestock loss claims due to predation from bears, wolves, and cougars but may accept and expend money from other sources.

The WDFW Commission (Commission) must adopt rules setting limits and conditions for WDFW's expenditure of claims and assessments of crops, commercial livestock, other property, and mitigating actions.

The condition that a livestock operator must raise livestock for commercial purposes in order to participate in the livestock depredation compensation program is removed.

A non-appropriated account called the Wildlife Conflict Account is created. The purpose of this account is to house any funds in the State Wildlife Account that were dedicated to livestock predation compensation but were unexpended in any one biennium. The money collected in the Wildlife Conflict Account may only be used for the payment of livestock predation compensation, including claim assessment costs and reimbursement for injury caused to livestock by wildlife.

Feeding Large Wild Game is Made Unlawful. A civil infraction is created for any person who a WDFW enforcement officer or local animal control authority has probable cause to believe is negligently feeding, attempting to feed, or attracting bears, cougars, or wolves by placing food, food waste, or any other substance in a manner that may cause a public safety risk. Similar activity done intentionally is a misdemeanor. It is also a misdemeanor to fail to correct an issue giving rise to a negligent civil infraction within 24 hours.

The prohibition on animal feeding is not enforceable against a person engaged in forest practices, hunting, trapping, or farming using generally accepted farming practices. Also exempt are scientific permit holders, fish and wildlife enforcement officers conducting authorized wildlife capture activities, and waste management facilities.

Landowners are Given Authority to Protect Livestock. The Commission is directed to adopt rules allowing a property owner, the owner's family, or employees to kill a gray wolf that is in the act of attacking livestock. The wolf may be killed without first obtaining a permit and free from prosecution for killing an endangered species.

EFFECT OF CHANGES MADE BY ENERGY, NATURAL RESOURCES & MARINE WATERS COMMITTEE (Recommended Amendments): Limits the exemption for employees or agents of the WDFW to apply only when the feeding of large wild carnivores occurs (1) under the authority of, or upon a request from, an officer and (2) for the purposes of addressing a threat to human safety or a wildlife interaction defined by statute.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: This bill has been made much stronger through the legislative process and effectively balances the various concerns involved in wildlife conflict management. The wildlife conflict account, in particular, is a good approach that will allow for accountability and flexibility.

OTHER: Allowing livestock owners to take a gray wolf when there is physical evidence that the wolf was in the act of attacking livestock without a permit is not what was agreed to in the wolf plan. The wolf plan authorized lethal take with evidence of depredation, after non-lethal methods had been employed, and with a permit. This should be given time to work.

Furthermore, the legislature does not define what would constitute physical evidence or what act of attacking means.

While it is true that livestock owners are being asked a lot, giving a permit exemption to this particular group does not allow for a transparent process. Livestock owners and wolves need to learn to coexist.

The Cattle Producers of WA are concerned that the \$50,000 cap is insufficient to cover livestock losses due to predation. Furthermore, while compensation is allowed for injury to livestock, the term injury does not necessarily cover losses from stress. Stressed livestock does not gain weight and this harms our business, although it is difficult to quantify.

Persons Testifying: PRO: Dave Ware, WDFW; Jack Field, WA Cattlemen's Assn.; Tom Davis, WA Farm Bureau; Carey Morris, Humane Society of the United States.

OTHER: Chantel Thurman, Bruce Roberts, citizen; Heather Hansen, Cattle Producers of WA; Diane Gallegos, Linda Saunders, Wolf Haven International.