

SENATE BILL REPORT

SB 5187

As Reported by Senate Committee On:
Natural Resources & Parks, February 14, 2013

Title: An act relating to protecting livestock against predator attacks.

Brief Description: Protecting livestock against predator attacks.

Sponsors: Senators Smith, Becker, Roach, Schoesler and Honeyford.

Brief History:

Committee Activity: Natural Resources & Parks: 1/29/13, 2/14/13 [DPS, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove, Hewitt, Parlette and Rolfes, Ranking Member.

Minority Report: Do not pass.

Signed by Senator Kline.

Staff: Curt Gavigan (786-7437)

Background: Role of the Department of Fish and Wildlife (DFW). DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must protect, perpetuate, and establish the basic rules and regulations governing the harvest of fish and wildlife.

Responding to Threats to Human Safety and Property Damage Generally. Current statute generally allows a property owner or immediate family member, employee, or tenant of the owner to kill wildlife that is threatening human safety or causing property damage on that property. Such action can generally be taken without a permit or authorization from DFW.

The Legislature has also directed the Fish and Wildlife Commission (Commission) to establish limitations on this authority by rule, including rules to:

- provide appropriate protection for threatened or endangered species; and
- identify instances where verbal or written permission may be required.

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.

Under the Commission's rules, the conditions for killing wildlife vary, based primarily on circumstances such as the classification of the wildlife species and nature of the threat to private property. For example, one big game animal may be killed during the physical act of attacking commercial livestock, and more may be taken under a DFW-issued permit.

Responding to Endangered Species in the Act of Attacking Livestock Specifically. Current rules prohibit the kill of a state-classified endangered species unless authorized by rule or with a permit from DFW. For example, wolves in the act of attacking livestock may only be killed with a permit from DFW. The state's Wolf Conservation and Management Plan allows the issuance of such permits after DFW has confirmed that wolves have previously wounded or killed livestock in the area and non-lethal measures to resolve the problem have been ineffective.

Summary of Bill (Recommended Substitute): The Commission's rules must allow for a livestock or domestic animal owner or the immediate family member, agent, or employee of the owner to kill a gray wolf attacking or posing an immediate threat of physical harm to those animals. The rules must allow such action on public and private lands, regardless of the wolf's state classification, and without a permit or other form of permission.

Exemptions from a number of wildlife violations are created to allow the exercise of this authority. A section makes the legislative finding that taking of a wolf in a manner inconsistent with this authority violates the prohibition on unlawfully taking endangered fish or wildlife, based on the wolf's current state classification.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute):

- Changes the term mammalian predator in the bill to gray wolf.
- Provides that the authority in the bill relates to attacks on domestic animals as well as livestock, and to wolves posing an immediate threat of physical harm to these animals.
- Adds a legislative finding that taking a wolf inconsistent with the authority in the bill violates the existing prohibition on unlawfully taking a state-classified endangered species.

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 on Original Bill: PRO: The wolf plan benefits from this legislation as it offers a solution to manage livestock losses due to predator attacks. People should have a right to protect their property. This change would provide much-needed protection to citizens and citizens' rights to protect themselves, livestock, and pets.

CON: This contradicts the wolf management plan, which was developed through a public process over significant time. 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.

OTHER: There is a need for non-lethal management education, community outreach, and coordination of wolf plan implementation. This is a serious issue that significantly impacts people.

Persons Testifying: PRO: Senator Smith, prime sponsor; Tyler Cox, Bill Sieverkropp, Jess Kayser, Pace Amidon, Brad Cameron, WA Cattlemen's Assn.; Wes McCart, Stevens County Commissioner; Sheilah Kennedy, Okanogan County Commissioner; Mike Manus, Pend Oreille County Commissioner; Brad Miller, Ferry County Commissioner; Tom Davis, WA Farm Bureau.

CON: Mitch Friedman, Conservation Northwest; Melinda Hirsch, Center for Biological Diversity; Bob McCoy, Roger Chapanis, citizens.

OTHER: Bob Morton, citizen.