

SENATE BILL REPORT

SB 5188

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

Title: An act relating to addressing imminent threats to commercial livestock caused by wolves.

Brief Description: Addressing imminent threats to commercial livestock caused by wolves.

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

Brief History:

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

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove and Parlette.

Minority Report: Do not pass.

Signed by Senator Rolfes, Ranking Member.

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.

Wolf Status in Washington State. Gray wolves are currently endangered under federal law in the western two-thirds of the state, and classified under state law as an endangered species throughout the state by the Fish and Wildlife Commission (Commission). DFW has confirmed the presence of eight wolf packs in the state, with four other packs currently suspected. In 2012, seven wolves from the Wedge pack in northeast Washington were lethally removed following a series of DFW-confirmed livestock depredations.

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.

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.

The Legislature has also directed the 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.

Responding to Wolves in the Act of Attacking Livestock Specifically. Current rules prohibit the kill of a state-classified endangered species, including wolves, unless authorized by rule or with a permit from the 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 are ineffective.

Summary of Bill: Authorizes a County Legislative Authority to Declare an Imminent Threat to Commercial Livestock. A county legislative authority may declare that an imminent threat to commercial livestock exists where it determines that:

- members of a wolf pack have been involved in two or more depredation incidents on private property;
- the incidents present a pattern, creating an imminent threat to private property or the economic viability of one or more commercial livestock operations; and
- DFW has not taken action sufficient to abate the imminent threat.

Includes Implementation Provisions. The county legislative authority may authorize a county sheriff or an agent of the county to lethally remove wolves to abate the imminent threat. Actions by a sheriff or agent of the county must be taken consistent with the authorization provided by the county legislative authority.

A county may seek information, technical assistance, and recommendations from DFW. However, the authority to declare and abate an imminent threat remains with the county.

Exemptions from a number of wildlife violations are created for actions consistent with a county's authority to declare and abate an imminent threat to commercial livestock.

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: PRO: The wolf plan benefits from this legislation as it offers a solution to manage livestock losses due to wolf attacks, and in particular implements provisions for local county officials to take action when necessary. County commissioners know the land and the people, and feel a duty to protect the counties in emergencies. They would take the responsibility provided in this bill seriously.

CON: This contradicts the wolf management plan, which was developed through a public process over significant time. Concerns exist about the wildlife management expertise at the

local level, and ability to keep up with emerging science if this management authority is provided.

OTHER: There is a need for non-lethal management education, community outreach, and coordination of implementation across multiple agencies. 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, WACattlemen'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.