

HOUSE BILL REPORT

HB 1838

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to the baiting of black bears.

Brief Description: Concerning the baiting of black bears.

Sponsors: Representative MacEwen.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/10/15, 2/17/15 [DPS].

Brief Summary of Substitute Bill

- Creates a bait station permit issued by the Washington Department of Fish and Wildlife that allows an owner of real property to kill a black bear with the aid of bait when necessary to avoid damage caused by a black bear to commercial crops, livestock, or other property.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Kretz, Orcutt, Pettigrew, Schmick and Van De Wege.

Minority Report: Do not pass. Signed by 1 member: Representative Stanford.

Minority Report: Without recommendation. Signed by 1 member: Representative Dunshee.

Staff: Peter Clodfelter (786-7127).

Background:

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.

Generally, it is unlawful to take, hunt, or attract black bears with the aid of bait. Only employees or agents of county, state, or federal agencies while acting in their official capacities may bait black bears for the purpose of protecting livestock, domestic animals, private property, or public safety. A violation is punishable as a gross misdemeanor.

Currently, the Washington Department of Fish and Wildlife authorizes spring black bear special permit hunts as part of a pilot program to reduce black bear damage to trees. Hunters are allowed to take one black bear per special permit season. During spring black bear special permit hunts, hunters may use any legal weapon that may be used during the modern firearm, archery, or muzzleloader seasons. Hunters may not use the aid of bait or hounds.

Summary of Substitute Bill:

A bait station permit is created that the Washington Department of Fish and Wildlife (WDFW) is required to issue to an owner of real property when necessary to avoid the negative interaction and the resultant damage between black bear and commercial crops, livestock, or other property. The holder of a bait station permit may kill a black bear with the aid of bait only for the purposes of avoiding such a negative wildlife interaction with a black bear.

Each bait station permit must be issued to the owner at no charge. A separate bait station permit is required for each individual bait station. The bait station permit number must be attached to each bait station so that the bait station permit number is visible. The WDFW must state in the permit the time that a bait station may be established and the time by which a bait station must be removed.

A bait station is required to be established no earlier than the time provided by the WDFW in the permit, be secured so as to be easily removable by the time provided by the WDFW in the permit, and be a single, metal or plastic barrel not larger than 55 gallons, a wooden box, or made from natural materials found on the site. The owner is required to notify the WDFW of the location of each bait station. Further, a bait station authorized under this section must be removed and the area returned as close to its natural condition as possible by removing all bait containers, non-consumed bait, and any material used to conceal the owner's observation location no later than by the time provided by the WDFW in the permit.

Bait may include additives such as honey, molasses, jam, jelly, or a similar substance and those additives may be placed in and around the bait station. Additionally, any bait used to attract black bears is required to consist of natural or commercially processed meats, vegetables, fruits, or grains, not contain any metal, plastic, paper, expanded polystyrene foam, glass, or any other substance that may harm or injure an animal feeding from the bait station, be free of any commercial wrapper before being placed in the bait station or the area around the bait station, and not include any cooking oil or grease.

A bait station illegally placed on another person's private property may be removed by the property owner and the WDFW may revoke the permit holder's bait station permit.

Hunting with the aid of a bait station without a valid bait station permit in the owner's name or failing to comply with the requirements related to bait station permits is a violation of the prohibition on taking, hunting, or attracting black bears with the aid of bait.

Substitute Bill Compared to Original Bill:

The authorization for using a bait station to bait black bear is moved from the chapter on hunting and fishing licenses (77.32 RCW) to the chapter on wildlife damage (77.36 RCW) so that a landowner may be allowed to use bait to kill a black bear to avoid a negative interaction between a black bear and commercial crops, livestock, or other property, but a hunter with a permit for a spring damage control hunt specific to black bear is not eligible for a bait station permit and may not bait black bears. Also, the fee for a bait station permit is eliminated. Additionally, a landowner issued a permit for a bait station is required to notify the Washington Department of Fish and Wildlife of the location of the bait station. Further, the restrictions on where a bait station may be placed on a landowner's property is eliminated. Last, an emergency clause is added.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Currently, the black bear population in the state is growing and black bears cause significant damage to trees, making trees susceptible to disease and damage. Property owners lose significant numbers of trees because of black bear. Trappers are not effective at finding problematic black bear; black bear are difficult to hunt because they travel far and have strong senses of hearing and smell. Another tool is necessary and authorizing limited baiting of black bear would provide for more precise hunting than using dogs. The bill could help both the Washington Department of Fish and Wildlife (WDFW) and property owners address property damage issues by targeting problematic black bear while avoiding wounding black bear cubs. Last, the bill could be amended so that black bear depredation is still authorized pursuant to permits issued by the WDFW, but not be tied to hunting seasons; currently, the WDFW has a similar program and allows property owners to use hounds to hunt black bear that damage trees.

(Opposed) None.

Persons Testifying: Representative MacEwen, prime sponsor; Mick Cope, Washington Department of Fish and Wildlife; and Heather Hanson and Dennis Norvel, Washington Farm Forestry Association.

Persons Signed In To Testify But Not Testifying: None.