

# SENATE BILL REPORT

## SSB 5960

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As Passed Senate, March 4, 2015

**Title:** An act relating to requiring the department of fish and wildlife to update the 2011 wolf conservation and management plan to ensure the establishment of a self-sustaining population of gray wolves while also ensuring social tolerance of wolf recovery.

**Brief Description:** Requiring the department of fish and wildlife to update the 2011 wolf conservation and management plan to ensure the establishment of a self-sustaining population of gray wolves while also ensuring social tolerance of wolf recovery.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senator Dansel).

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 2/18/15, 2/19/15 [DP-WM].

Ways & Means: 2/23/15, 2/26/15 [DPS, DNP, w/oRec].

Passed Senate: 3/04/15, 39-9.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Dansel, Vice Chair; Hatfield, Ranking Minority Member; Chase, Hewitt, McAuliffe and Warnick.

**Staff:** Curt Gavigan (786-7437)

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5960 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Billig, Brown, Conway, Hasegawa, Hatfield, Hewitt, O'Ban, Padden, Parlette, Schoesler and Warnick.

**Minority Report:** Do not pass.

Signed by Senators Ranker, Ranking Minority Member, Operating; Fraser and Rolfes.

**Minority Report:** That it be referred without recommendation.

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*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.*

Signed by Senators Keiser, Assistant Ranking Member on the Capital Budget; Kohl-Welles.

**Staff:** Sherry McNamara (786-7402)

**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.

State Endangered Species Management Authority Generally. The Fish and Wildlife Commission (Commission) has the statutory authority to identify species that are seriously threatened with extinction and designate those species as endangered.

Under this statutory authority, the Commission adopted rules providing that it may only designate a species as endangered, threatened, or sensitive on the basis of the biological status of the species being considered. This decision must be based on the preponderance of available scientific data. DFW must write a recovery plan for endangered and threatened species, and a management plan for sensitive species. These plans must identify target population objectives, reclassification criteria, an implementation plan, public education, and a species monitoring plan.

The rules also provide that a species may be delisted from endangered, threatened, or sensitive status only when populations are no longer in danger of failing, declining, or vulnerable. The Commission must rely on the preponderance of available scientific data when making delisting or reclassification decisions.

Wolf Management in Washington State. Gray wolves are currently endangered under federal law in approximately the western two-thirds of the state, with the species having been federally delisted in the eastern one-third in 2011. Wolves are classified under state law as an endangered species throughout the state.

The wolf conservation and management plan (wolf plan) was adopted in December 2011. Its stated goals are to:

- restore the wolf population to a self-sustaining size and geographic distribution;
- manage wolf-livestock conflicts to minimize livestock losses while not negatively impacting recovery;
- maintain healthy ungulate populations; and
- develop public understanding of the conservation and management needs of wolves.

The wolf plan identifies three wolf recovery regions: the Eastern Washington region; the North Cascades region; and the Southern Cascades and Northwest Coast region. The recovery objectives to allow the wolf to be removed from the state's endangered species list are based on target numbers and species distribution. Specifically the gray wolf will be considered to be recovered if DFW documents the following:

- 15 successful breeding pairs for three consecutive years, distributed so that each recovery zone is host to at least four breeding pairs; or
- 18 successful breeding pairs, distributed so that each recovery zone is host to at least four breeding pairs.

The wolf plan provides that lethal control to manage wolf-livestock conflicts may be used, on a case-by-case basis, in the following circumstances:

- there is repeated depredation clearly caused by wolves;
- non-lethal methods have been tried but failed to resolve the conflict;
- depredations are likely to continue; and
- there is no evidence of intentional feeding or unnatural attraction by the livestock owner.

**Summary of Substitute Bill:** DFW must engage in a process to amend the existing wolf plan to address the wolf recovery rate and uneven distribution of wolves in northeast Washington.

In amending the wolf plan, DFW must use the most updated available science and coordinate with the existing wolf advisory group. DFW retains discretion to amend the wolf plan as it sees fit, but must consider the following:

- a change in the metric for identifying successful wolf recovery from breeding pairs to wolf packs;
- additional options for the number and distribution of wolves necessary to no longer consider the species in danger of extinction;
- altering, reducing, or consolidating wolf recovery zones;
- determining the reasonable prevention measures expected of a livestock producer prior to considering compensation or lethal removal;
- a review of the conditions for lethal management of individual wolves;
- criteria for the use of lethal management tools to address repeated depredations by wolf packs; and
- the incorporation of recent data on wolf-ungulate interactions.

The wolf plan amendments are exempt from requirement to produce an environmental impact statement. The amendments must be complete by June 30, 2017.

**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 (Natural Resources & Parks):**

PRO: Changes to wolf management are necessary to address issues in northeast Washington, where most of the wolves are. These wolves are already delisted from the federal endangered species list, and continue to create issues for livestock owners. This is an excellent bill that gives DFW clear direction in drafting changes to the wolf plan. The Commission has the ultimate authority to approve or reject the recommended changes. DFW believes most of the wolf issues under legislative discussion this session can be addressed by this bill.

CON: DFW is currently reviewing the wolf plan. DFW has hired an independent contractor to interview over 80 stakeholders. The recovery objective in Washington focuses on breeding pairs. This is a more precise measure of wolf populations than by packs.

**Persons Testifying (Natural Resources & Parks):** PRO: Wes McCart, Stevens County, Commissioner; Jack Field, WA Cattlemen's Assn; Niel Kayser, Kieth Kreps, Harry Miller, WA Cattlemen's Assn., Klickitat County Livestock Growers; David Ware, DFW; Tom Davis, WA Farm Bureau; Duane Dewey, citizen.

CON: Vanessa Lopez, Defenders of Wildlife; Jennifer Hillman, Humane Society of the United States; Diane Gallegos, Wolfhaven.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** PRO: This bill would allow DFW to amend the wolf management plan to address the wolf population in northeast Washington. DFW supports this bill and the approach it takes to addressing the uneven distribution of wolves in the northeast part of our state.

**Persons Testifying (Ways & Means):** PRO: Senator Dansel, prime sponsor, David Ware, DFW.