

SENATE BILL REPORT

2SSB 5474

As Amended by House, April 10, 2017

Title: An act relating to initiating proactive steps to address elk hoof disease.

Brief Description: Initiating proactive steps to address elk hoof disease.

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

Brief History:

Committee Activity: Natural Resources & Parks: 2/07/17, 2/14/17 [DPS-WM].
Ways & Means: 2/21/17, 2/23/17 [DP2S].

Floor Activity:

Passed Senate: 3/01/17, 49-0.

Passed House: 4/10/17, 98-0.

Brief Summary of Second Substitute Bill

- Establishes elk hoof disease-related monitoring and wildlife management authorities.
- Makes the Washington State University monitoring program subject to appropriations.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Hawkins, Vice Chair; Van De Wege, Ranking Minority Member; Fortunato and McCoy.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5474 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking

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.

Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Bailey, Becker, Billig, Carlyle, Conway, Darneille, Fain, Hasegawa, Keiser, Miloscia, Padden, Pedersen, Rivers, Schoesler, Warnick and Zeiger.

Staff: Jed Herman (786-7346)

Background: Department of Fish and Wildlife (DFW) Wildlife Management Authority in General. DFW serves as manager of the state's fish and wildlife resources. Among other duties, the agency must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife. Specifically, this includes the authority to:

- regulate the transportation and possession of fish and wildlife in the state; and
- authorize the removal of wildlife that is destroying property, or when it is necessary for wildlife management or research.

Elk Hoof Disease in Washington. According to DFW, reports of limping elk and elk with hoof deformities began in the 1990s in the Cowlitz River Basin. Since 2008, sighting increased to additional areas of southwest Washington, affecting both the Mount St. Helens and Willapa Hills elk herds. In late 2015, evidence of elk hoof disease was detected in Skagit County.

Summary of Second Substitute Bill: Limits Translocation of Elk in Areas with Hoof Disease. DFW's general statutory authority to authorize the transportation of fish and wildlife is amended to prohibit DFW from allowing any person, including DFW staff, from translocating a live elk out of an area with elk affected by hoof disease. However, DFW may allow translocation for monitoring or for hoof disease management purposes consistent with a process developed by the agency.

Establishes an Elk Hoof Disease Monitoring Program. Subject to appropriation, the Washington State University College of Veterinary Medicine (College) must develop program to:

- monitor and assess causes of and potential solutions for elk hoof disease; and
- establish an elk monitoring system in southwest Washington.

In doing so, the College must work collaboratively with groups including DFW, the state Veterinarian, and tribes interested in participating. Additionally, the College must provide updates to the Legislature at least annually.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: 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): *The committee recommended a different version of the bill than what was heard.* PRO:

Livestock owners must manage their animals, and DFW must take the same initiative for elk hoof disease. There is no more need for planning, but instead immediate action and problem containment. Landowners have done very little poaching on elk damaging their lands so there is no reason to believe people would poach based on the authority in this bill.

CON: There are a number of problems that tie into the elk hoof disease situation including DFW leadership, forest practices and pesticides, and public lands management that make this discussion worthwhile. But, this may open up the possibility of people taking advantage of the situation and poaching any limping elk.

OTHER: Translocation of elk with hoof disease is not a good idea, but there may be times where it is necessary for monitoring. There are concerns about enforcing the authority to euthanize diseased elk and the workload that could cause. Aggressive action is necessary. A center staffed by experts is needed to study this issue. Questions exist about how harvest information will be collected under the bill.

Persons Testifying (Natural Resources & Parks): PRO: Randy Good, Skagit County Cattlemen's, Friends of Skagit County, Skagit Chapter Alliance for Property Rights; William Schmidt, Farm Bureau, citizen.

CON: Kirby Denger, Straight Shooters 4 Sportsmen; Bruce Barnes, elk hunter.

OTHER: Mark Smith, citizen; Phil Hall, citizen; Boone Mora, citizen; Mark Smith, citizen; Dan Cothren, Wahkiakum Co.; Dawn Vyvyan, Sauk-Suiattle Tribe; Anis Aoude, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying (Natural Resources & Parks): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: I have been working on this issue for over two decades. WDFW cannot solve this problem on their own. The issue needs research, which is why it is suggested to include WSU. The real issue is that the disease leads the elk to starve to death. The bill establishes a protocol, which will assist the public and enforcement officers to know what to do when an infected elk is observed. Sick animals shouldn't be allowed to spread the disease.

OTHER: WDFW doesn't take it seriously, DNR allows too much chemical spray and doesn't enforce practices to protect elk habitat, and finally the Senate is trying to do something about it. I want a return for my hunting investment dollars.

Persons Testifying (Ways & Means): PRO: Mark Smith, citizen.

OTHER: Bruce Barnes, Elk Hunter, Mt. Saint Helens Rescue.

Persons Signed In To Testify But Not Testifying (Ways & Means): PRO: Morgan Palumbo, citizen.

EFFECT OF HOUSE AMENDMENT(S):

- Provides that elk may be relocated from an area with elk affected by hoof disease: (1) consistent with a process developed by DFW with input from the affected federally recognized tribes for monitoring or hoof disease management purposes; or (2) within an elk herd management plan area affected by hoof disease.