

HOUSE BILL REPORT

ESHB 2097

As Amended by the Senate

Title: An act relating to addressing statewide wolf recovery.

Brief Description: Addressing statewide wolf recovery.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kretz, Chapman, Springer, Blake, Pettigrew, Dent, Schmick, Dye, Maycumber, Wilcox and Corry).

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 2/22/19 [DP];
Appropriations: 2/27/19, 2/28/19 [DPS].

Floor Activity:

Passed House: 3/11/19, 98-0.
Senate Amended.
Passed Senate: 4/17/19, 43-5.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Fish and Wildlife (DFW) to immediately review the population status of the gray wolf.
- Requires the Fish and Wildlife Commission to consider, depending on the results of the DFW's status review, whether a change in listing status is warranted.
- Directs the DFW to develop and implement conflict mitigation guidelines for each wolf recovery region considering the provisions of the 2011 Wolf Recovery and Management Plan.
- Requires the DFW to increase staff in Ferry and Stevens counties for ongoing wolf-livestock conflict management, and for other nonlethal wolf management efforts.
- Provides that certain conservation district staff members are eligible for appointment to the Northeast Washington Wolf-Livestock Management Grant (Grant) Advisory Board.
- Removes the provision stating that certain individuals are no longer eligible for Grant funds.

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.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Blake, Chair; Dent, Assistant Ranking Minority Member; Chapman, Dye, Kretz, Lekanoff, Orcutt, Pettigrew, Schmick, Springer and Walsh.

Minority Report: Without recommendation. Signed by 2 members: Representatives Shewmake, Vice Chair; Fitzgibbon.

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

Staff: Rebecca Lewis (786-7339).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Dan Jones (786-7118).

Background:

Gray Wolf Management.

Federal law lists the gray wolf as an endangered species for the portion of the state located west of Highways 97, 17, and 395 that run through Central Washington. The Fish and Wildlife Commission (Commission) has authority to classify endangered and threatened species in Washington by rule, and has classified the gray wolf as an endangered species statewide. By rule, a wildlife species may be delisted when, based on the preponderance of scientific data available, its populations either:

- are no longer in danger of failing, declining, or are vulnerable due to factors including but not restricted to: limited numbers; disease; predation; exploitation; or habitat loss or change; or
- meet target population objectives set out in a Department of Fish and Wildlife (DFW)-developed and Commission-adopted recovery plan.

The Commission adopted the Gray Wolf Conservation and Management Plan (Conservation and Management Plan) in December of 2011, which identifies target population objectives, management tools, reclassification criteria, an implementation plan, and a species monitoring plan.

The Conservation and Management Plan identifies three wolf recovery regions: (1) the Eastern Washington region; (2) the North Cascades region; and (3) the Southern Cascades and Northwest Coast region. The recovery objectives identified in the Conservation and Management Plan to allow the gray wolf to be removed from the state's endangered species list are based on target numbers and species distribution.

Under the Conservation and Management Plan, the gray wolf will be considered for state delisting if the DFW documents the following:

- 15 successful breeding pairs for three consecutive years, distributed so that each recovery region contains at least four breeding pairs; or
- 18 successful breeding pairs, distributed so that each recovery region contains at least four breeding pairs.

Northeast Washington Wolf-Livestock Management Grant.

The Northeast Washington Wolf-Livestock Management Grant (Grant) was created in 2017 and is administered by the Department of Agriculture (Agriculture). Grant funds must be used for nonlethal deterrence resources, including human presence, equipment, and tools, in Okanogan, Ferry, Stevens, or Pend Oreille counties. Grant funds may only be distributed to nonprofit organizations that have board members, or individuals who are willing to receive assistance from relevant government agencies.

An advisory board advises Agriculture on the use of Grant funds and the use of resources funded by the Grants. The Northeast Washington Wolf-Livestock Management Grant Advisory Board (Advisory Board) consists of one member each from the Okanogan County, Ferry County, Stevens County, and Pend Oreille County conservation district boards. The Director of Agriculture appoints Advisory Board members to two-year terms in consultation with the relevant conservation district and legislators. Advisory Board members must be knowledgeable about wolf depredation and nonlethal wolf management, and may not benefit financially from Grant-funded contracts.

Summary of Engrossed Substitute Bill:

The Department of Fish and Wildlife (DFW) must conduct a review of the listing status of the gray wolf to determine if the state's wolf population is no longer in danger of failing or declining, or no longer vulnerable to limited numbers, disease, predation, habitat loss or change, or exploitation. The DFW must also examine the relationship between wolf recovery in the Eastern Washington region and its role in wolf colonization in the rest of the state. This review must be completed by February 29, 2020.

Based on the review, the Fish and Wildlife Commission (Commission) must determine whether a change in listing status is warranted. The Commission's consideration of the gray wolf listing status must be completed by August 31, 2020.

The DFW is directed to maintain sufficient staff resources in Ferry and Stevens counties for ongoing response to conflicts between gray wolves and livestock, and for continued implementation of proactive nonlethal deterrents.

During the time when wolves are classified by the Commission as an endangered or protected species, the DFW must develop and implement conflict mitigation guidelines for each wolf recovery region considering the provisions of the 2011 Wolf Recovery and Management Plan. Conflict mitigation guidelines must distinguish between the wolf recovery regions defined in the 2011 Wolf Conservation and Management plan that are at or above the regional recovery objective and regions that are below the regional recovery objective.

Conservation district staff, as well as board members, are eligible for appointment to the Northeast Washington Wolf-Livestock Grant (Grant) Advisory Board. The provision allowing individuals willing to receive technical assistance from the DFW or the United States Forest Service are eligible to receive Grant funds is removed.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

1. removes the requirements that the Department of Fish and Wildlife (WDFW) conduct a population status update for the gray wolf, and that the Fish and Wildlife Commission (Commission) consider the listing status of gray wolves based on the WDFW population status update;
2. removes the provision that regional conflict mitigation guidelines apply only when gray wolves are designated by the Commission as a threatened or protected species, and adds that all regional plans must include proactive nonlethal deterrents regardless of listing status; and
3. requires the Department of Agriculture to maintain a list of grants awarded under the Northeast Washington Wolf-Livestock Management Grant Program and share the list with the WDFW on at least an annual basis.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (Rural Development, Agriculture, & Natural Resources):

(In support) There has been a great deal of work done on the gray wolf issue over the years by many stakeholders. People with many different perspectives have come to the table, and discussion has evolved to be less adversarial. There are still small minorities on both extremes of the issue. This bill is a moderate approach to finding some solutions. About 90 percent of the state's gray wolf population lives in one area of Northeast Washington where small family ranching is an important way of life. Predation on cattle is affecting small family ranches and wolf sightings are beginning to occur in people's backyards. People have been pushed as far as they can be pushed, and there were many setbacks last season. The sponsor is open to working on the bill. There is trust and faith in the sponsor and the Legislature to perfect the bill. There is a desire for statewide nonlethal management funding

and for removing the provision allowing for regional delisting. While there may not be support for all of the changes in the bill, the stakeholders look forward to this bill moving forward. There are unseen consequences to gray wolf predation. Only 80 percent of the cattle that have been harassed by gray wolves are breeding, and nonlethal deterrents such as range riders are expensive. The Fish and Wildlife Commission's (Commission) wolf plan was based on assumptions about how wolves would disburse that have not come to pass. While the bill directs the Department of Fish and Wildlife (DFW) to do something they have the authority to do already, it is powerful to have a bill expressing the Legislature's intent to direct the DFW to move forward. The DFW supports the need for a status review. A review was initiated last October. Further information is expected in April and May. The DFW plans to present the results in December of this year. Regional delisting lacks strong support from multiple stakeholders. The DFW appreciates added funding.

(Opposed) The Olympic Forest Coalition has resources and offers clinics to provide training in predator-livestock conflict management. The Center for Biological Diversity hoped to support the bill, but thanks the sponsors for listening to concerns. The regional delisting provision should be deleted from the bill, and there should be statewide funds available for nonlethal predator management. Any bill should both help ranchers and statewide gray wolf recovery.

(Other) Conservation Northwest has offered financial support for ranchers to deploy nonlethal resources in Northeast Washington. There has been an astounding change in attitude and cooperation. There is an understanding that the DFW needs the flexibility to conduct lethal management when all else fails. The Lands Council's main interest is in addressing the social conflict this issue presents. Some elements of the bill are helpful, but there are other processes for delisting. The Wolf Advisory Group (WAG) has a significant role in bringing forth wolf management solutions. Both the WAG and the DFW need to improve implementation of wolf management strategies. A bill is not the best way to accomplish this, and will seem adversarial to some stakeholders. Gray wolves are not the only predators. A sheep farmer in Western Washington had success addressing predation by bald eagles with the use of guard dogs.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Rural Development, Agriculture, & Natural Resources): (In support) Representative Kretz, prime sponsor; Cindy Alia, Citizen's Alliance for Property Rights and Cattle Producers of Washington; Lorna Smith, Olympic Forest Coalition; Steve McLaughlin, Cattle Producers of Washington, Mark Streuli, Washington Cattlemen's Association; Donny Martorello, Department of Fish and Wildlife; Laura Butler, Department of Agriculture; and Tom Davis, Washington Farm Bureau.

(Opposed) Jane Hutchison, Farmer Frog and Western Wildlife Outreach; and Sophia Ressler, Center for Biological Diversity.

(Other) Neil Beaver, The Lands Council; Diane Gallegos, Wolf Haven International; Paula Swedeen, Conservation Northwest; and Chiara D'Angelo-Patricio, Endangered Species Coalition.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Rural Development, Agriculture, & Natural Resources): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.