

SENATE BILL REPORT

ESHB 2097

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, April 2, 2019
Ways & Means, April 9, 2019

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: Passed House: 3/11/19, 98-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 4/02/19, 4/02/19 [DPA-WM].

Ways & Means: 4/08/19, 4/09/19 [DPA (AWNPN), w/oRec, DNP].

Brief Summary of Amended Bill

- Directs the Department of Fish and Wildlife (DFW) to develop and implement conflict mitigation guidelines for each wolf recovery region.
- Requires the DFW to maintain sufficient resources in Ferry and Stevens counties for response to wolf-livestock conflict.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

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

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

Staff: Jeff Olsen (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Brown, Assistant Ranking Member,

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Operating; Honeyford, Assistant Ranking Member, Capital; Bailey, Becker, Billig, Conway, Darneille, Hasegawa, Rivers, Schoesler, Van De Wege, Wagoner and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Carlyle, Keiser and Liias.

Minority Report: Do not pass.

Signed by Senators Hunt, Palumbo and Pedersen.

Staff: Jed Herman (786-7346)

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 or declining, or are no longer vulnerable; or
- meet target population objectives set out in a DFW-developed and commission-adopted recovery plan.

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

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 Amended Bill: 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.

DFW must develop and implement conflict mitigation guidelines for each wolf recovery region considering the provisions of the 2011 plan. Conflict mitigation guidelines must distinguish between the wolf recovery regions defined in the 2011 plan at or above the regional recovery objective, and regions below the regional recovery objective. All regional plans must include nonlethal deterrents regardless of listing status.

EFFECT OF AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):

- Removes the requirement for the DFW to review the listing status of the gray wolf by February 29, 2020.
- Removes the requirement for the commission to consider a change in listing status of the gray wolf by August 31, 2020.
- Removes a requirement that the DFW must only implement conflict mitigation guidelines by wolf recovery region if the commission has designated wolves as either endangered, protected, or threatened.
- Requires conflict management guidelines must include proactive nonlethal deterrents regardless of listing status.
- Restores the ability for an individual to receive funding from the Northeast Washington wolf-livestock management account.
- Adds AGR must maintain a list of Northeast Washington wolf-livestock management grants awarded and provide that information to the DFW.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 12, 2019.

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 Engrossed Substitute House Bill (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* PRO: There has been real progress on addressing wolf recovery. Northeast Washington has 90 percent of the wolves, and the area is in danger of losing the livestock industry. More resources are needed for nonlethal deterrents. Assistance is needed before there are conflicts. The DFW has initiated a status review and an annual report is due out soon. The DFW supports conflict guidelines by region, there is not a one-size fits all approach. Tribes have experienced a number of issues with depredation. There

has been a broad stakeholder discussion that has led to an agreement to move forward. Regional recovery of wolf populations have been exceeded in Northeast Washington, and recommendations for regional approaches are needed.

CON: Mitigation guidelines have already been developed after extensive work, and new guidelines are not needed. Wolves are worth preserving and decisions need to be based on good science and data, and not politics. New guidelines could lead to an increase in lethal removals. There should be accountability for how the funds are spent.

OTHER: Meeting wolf recovery goals should be considered a floor. Having sufficient staff is inadequate and the amount of funding should be explicitly stated. Having a grant program only in Northeast Washington is not adequate, it should be statewide. There are concerns with having wolves delisted and encountering problems that have occurred in neighboring states, including bounty hunting.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Representative Joel Kretz, Prime Sponsor; Michael Moran, Confederated Tribes of the Colville Reservation; Cindy Alia, Cattle Producers of Washington and Citizens Alliance for Property Rights; Donny Martorello, Washington Department of Fish and Wildlife; Tom Davis, Washington Farm Bureau; Paula Swedeen, Conservation Northwest.

CON: Janice Brookshire, citizen; Lynn Okita, citizen; Sophia Ressler, Center for Biological Diversity, Washington Wildlife Advocate, Staff Attorney.

OTHER: Preston Thompson, citizen.

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

Staff Summary of Public Testimony on the Bill as Amended by Agriculture, Water, Natural Resources & Parks (Ways & Means): PRO: DFW supports the need for mitigation guidelines for each recovery region and recognizes that there is not a one-size fits all solution. Nonlethal deterrents will still be used regardless of the listing status. The bill will reduce conflicts with wolves and foster a more accurate count of the wolf population.

CON: Given the total population of cattle in the state, there have been very few documented attacks by wolves. Gray wolves were native to the Olympic Peninsula, and the population must be allowed to recover sufficiently to allow dispersing wolves to re-establish the area. Wolves should not be managed differently by region and that language should be removed from the bill.

Persons Testifying (Ways & Means): PRO: Donny Martorello, DFW; Cindy Alia, Citizens Alliance for Property Rights and The Cattle Producers of Washington.

CON: John Engber, Center for Biological Diversity; Lorna Smith, Olympic Forest Coalition VP.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.