H-1713.1

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**HOUSE BILL 1849**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives Lekanoff, Dent, Eslick, and Low

AN ACT Relating to the establishment of a statewide elk management program; adding a new section to chapter 77.36 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 77.36 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall work with tribal comanagers to establish a statewide elk management program based on the elk management pilot project established in chapter 244, Laws of 2017. The purposes of the elk management program are to reduce elk-vehicle collisions on highways and elk damage to private crop lands and properties, and to improve and support the health of elk herds. The department and the comanagers must invite affected federally recognized Indian tribes, the department of natural resources, the department of transportation, the department of agriculture, local governments, agricultural producers, and hunting groups to participate in all aspects of the elk management program.

(2) The department must work with the department of transportation to reduce elk-vehicle collisions on highways, initially focusing on reducing traffic collisions along highways within the range of the herds. The department and the department of transportation shall implement locally appropriate methods of keeping animals off roadways including, but not limited to, new fencing techniques, lights, signage, and other techniques. In addition, the departments shall scope wildlife corridors and safe crossing locations.

(3) The department must engage in direct wildlife management efforts in the elk management program implemented under this section, including the following actions:

(a) The use of special depredation hunts, general hunting opportunity, tribal hunting opportunities, and hunting opportunities for youth and persons with disabilities. Total hunting opportunities for any given elk herd under the elk management program must be set based on the carrying capacity of the land and water available to that herd and the health of the herd. These efforts must be designed and implemented in a manner that does not conflict with the primary goals of the current elk herd management plans for Washington's elk herds;

(b) The department must work to reduce artificial feeding of elk by persons other than the department. In no event may this effort affect a person who sets out feed with the intent to feed domestic animals or livestock, even though such feed may be inadvertently consumed by elk or other wildlife;

(c) The department shall, in conjunction with increased collaboration with local landowners, increase pressure on elk in agricultural areas through year-round deterrence, and shall monitor the effectiveness of the deterrence pressure;

(d)(i) The department shall establish one or more locally appropriate compensation programs for impacts to managed pasture and fencing in partnership with the department of agriculture. Any such compensation program must develop a tool that quantifies the impacts to managed pastures. Where appropriate, compensation programs may include, but need not be limited to, the use of a local hay and fertilizer bank.

(ii) For the purposes of this subsection (3)(d), "managed pasture" means pasture grown using common agricultural methods including one or more of the following: Seeding; planting; fertilizing; or irrigating;

(e) The department shall explore increasing forage for elk on public lands and private lands away from agricultural areas, as well as the use of managed livestock grazing to attract elk away from roads, populated areas, and agricultural lands. The department must work with forestland owners to identify incentives for improved elk habitat;

(f) The department shall scope translocation of elk to more suitable habitat within the range of the herd, provided the department first determines that such a translocation does not pose a risk of disease transmission;

(g) The department shall employ a combined approach of all reasonable tools to move elk off agricultural and other lands including, but not limited to, fencing, noise deterrents, hay and fertilizer banks, and lethal methods; and

(h) The department shall identify locally appropriate locations for upland feeding, best access routes to uplands, and expected movement of elk, in order to minimize damage to agricultural land.

(4) The department must provide a status report to the appropriate committees of the legislature on the results of the elk management program by October 1, 2024, and by October 1st of every even-numbered year thereafter.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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