
**Agriculture & Natural Resources
Committee**

SSB 5187

Brief Description: Protecting domestic animals against gray wolf attacks.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Smith, Becker, Roach, Schoesler and Honeyford).

Brief Summary of Substitute Bill

- Authorizes the owner of livestock to kill a gray wolf without a permit or license if the predator is in the act of attacking or threatening livestock or another domestic animal.
- Provides a legislative finding that, based on the gray wolf's current endangered classification, any killing of a wolf that is not consistent with the authority given to a landowner to kill an attacking or threatening wolf is a violation on the prohibition on unlawfully taking endangered fish and wildlife.

Hearing Date: 3/20/13

Staff: Jason Callahan (786-7117).

Background:

Property and safety protection.

Owners of property are authorized, subject to limitations adopted in rule by the Fish and Wildlife Commission (Commission), to kill any wildlife that is in the act of threatening human safety of causing property damage [RCW 77.36.030]. This action may be taken without having to first receive a license or permit from the Washington Department of Fish and Wildlife (WDFW). Under rules adopted by the Commission, it is permissible to kill wild animals engaged in the physical act of attacking a person or posing an immediate threat of physical harm to a person [WAC 232-36-050].

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.

The conditions for killing wildlife to protect property vary based on the classification of the wildlife species, the imminent nature of the threat to damage private property, the type of private property damage, and the preventive and nonlethal methods employed by the person prior to the damage event [WAC 232-36-051]. For wildlife that is causing damage to a commercial crop or commercial livestock, it is permissible to kill one individual big game animal if the owner has a valid, written damage prevention agreement with the WDFW. Multiple big game animals may only be killed if the owner is issued a kill permit by the WDFW. The damage prevention agreement, or kill permit, must include: a checklist of the reasonable preventative and nonlethal means that must be employed prior to lethal removal; a description of the properties where lethal removal is allowed; the species and sex of the animal that may be killed; the terms of the agreement/permit; the dates when lethal removal is authorized; the identification of who may kill the animals; and other conditions developed by the WDFW [WAC 232-36-051].

The WDFW may make agreements with landowners to prevent wildlife damage. The agreements may include special hunting season permits. Landowners are also encouraged to allow general season hunters during established hunting seasons on their property to help minimize damage potential [WAC 232-36-051].

The Unlawful Take of Endangered Fish and Wildlife.

It is illegal to unlawfully take endangered fish or wildlife [RCW 77.15.120]. A person can be charged with either a gross misdemeanor or a class C felony if the person hunts for, fishes for, possesses, or maliciously harasses any species of fish or wildlife that has been designed as endangered or threatened by the Commission. The gray wolf is listed by the Commission as an endangered species [WAC 232-12-014].

Summary of Bill:

The Commission must allow in its rules for the owner of livestock or other domestic animals being attacked or threatened by a gray wolf to kill that wolf without a permit or license being issued from the WDFW. The permission to kill a gray wolf applies regardless of the species' state classification.

The permission to kill a threatening or attacking wolf applies to not only the owner of the livestock, but also to the owner's immediate family members, the agents of the owner, and the owner's employees. The permission applies across all lands where livestock and domestic animals are found; both public and private.

Applicable criminal statutes are amended to ensure that a person killing a gray wolf under the permission to do so is not prosecuted for an otherwise related crime. A legislative finding is provided that, based on the gray wolf's current endangered classification, any killing of a wolf that is not consistent with the authority given to a landowner to kill an attacking or threatening wolf is a violation on the prohibition on unlawfully taking endangered fish and wildlife.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.