

# SENATE BILL REPORT

## SB 6139

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As Reported by Senate Committee On:  
Energy, Natural Resources & Marine Waters, February 2, 2012

**Title:** An act relating to large wild carnivore conflict management.

**Brief Description:** Regarding large wild carnivore conflict management.

**Sponsors:** Senators Rolfes, Ranker, Morton and Shin; by request of Department of Fish and Wildlife.

**Brief History:**

**Committee Activity:** Energy, Natural Resources & Marine Waters: 1/19/12, 2/02/12 [DP, DNP].

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### SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

**Majority Report:** Do pass.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin, Ranking Minority Member; Fraser, Hargrove and Swecker.

**Minority Report:** Do not pass.

Signed by Senators Morton, Ranking Minority Member; Stevens.

**Staff:** Angeline Thomas (786-7470)

**Background:** The Department of Fish and Wildlife (WDFW) is responsible for maintaining the state's fish and wildlife populations, while also addressing the safety and property of its human residents.

**Status of the Gray Wolf.** The gray wolf is listed as endangered under state law and receives protection from hunting, possession, malicious harassment, and killing.

**Big Game.** Big game animals are classified by species and currently include animals such as elk, certain species of deer, moose, and cougars among others. Hunting of big game is lawful with proper licenses, tags, and/or permits required by law. However, unlawful hunting of big game has both criminal and civil penalties.

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*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.*

Damage Compensation. WDFW manages a wildlife damage crop compensation program that compensates commercial crop owners for damage done to their crops from elk and deer. The program also compensates commercial livestock owners for damage done to their property by cougars, wolves, and bears.

Under the compensation program, commercial livestock include cattle, sheep, and horses held or raised by a person for sale. The owner of the livestock may receive the fair market value of an animal that is killed by predatory wildlife or that is injured to such a degree that the commercial value of the animal is diminished if certain eligibility requirements are met. Payments for claims may not exceed the total amount specifically appropriated for this purpose.

**Summary of Bill:** Defines Terms. The following terms are defined: building, food, intentional feeding, negligent feeding, and large wild carnivore. Additionally, gray wolves are added to the definition of big game.

Limits Total Compensation Amount to be Paid. The department may not pay more than \$50,000 per fiscal year from the state wildlife account to cover livestock loss claims due to predation, but may accept and expend money from other sources.

Directs the WDFW Commission to Establish Rules. The commission must adopt rules setting limits and conditions for WDFW's expenditure of claims and assessments of crops, commercial livestock, other property, and mitigating actions.

Feeding Large Wild Game is made Unlawful. A civil infraction is created for any person whom a WDFW enforcement officer or local animal control authority has probable cause to believe is negligently feeding; attempting to feed; or attracting bears, cougars, or wolves by placing food, food waste, or any other substance in a manner that may cause a public safety risk. Similar activity done intentionally is a misdemeanor. It is also a misdemeanor to fail to correct an issue giving rise to a negligent civil infraction within 24 hours.

The prohibition on animal feeding is not enforceable against a person engaged in forest practices, hunting, trapping, or farming using generally accepted farming practices. Also exempt are scientific permit holders, fish and wildlife enforcement officers conducting authorized wildlife capture activities, and waste management facilities.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is not intended to be the wolf plan, but to make sure that people do not feed large wild carnivores and to make it clear that it is illegal to shoot large wild carnivores without a license.

If human interactions with wildlife are perceived as primarily negative, public support for maintaining wildlife populations will erode over the long term. Human interactions with large carnivores are rare and attacks on livestock, pets, and property do happen, but are also rare. Regardless, these negative interactions are of great concern to people, and this bill creates a good balance between allowing citizens to address wildlife conflict that directly affects them and the need to preserve species.

The bill addresses implementation of parts of the wolf conservation plan, such as compensation for wildlife losses, and increases the penalty for illegally killing wolves. It also addresses problems associated with people feeding wild carnivores. Recognizing the challenge of meeting multiple, often polarized, public perspectives on this issue, the department feels that this bill achieves a good balance between those perspectives as well as providing the department with tools, options, and directions from the Legislature.

CON: This bill is not what was discussed and promised in the development of the wolf plan; in fact, it falls grossly short of the wolf plan. WDFW already has authority to compensate livestock owners, but it has yet to pay out any claims because no money has been appropriated since 2009. Compensation is not a priority, and, given the budget climate, the compensation goal will be difficult to reach. The \$50,000 cap is not even a drop in the bucket when looking at the long-term. Enhancement of penalties for illegal take disenfranchises stakeholders. This is not the piece to move forward on carnivore management issues. A better solution to dealing with apex predators would be to regionally delist them and manage them accordingly.

OTHER: The Cattle Producers of Washington agree that the \$50,000 cap is insufficient to deal with the anticipated claims from large carnivore predation.

**Persons Testifying:** PRO: Senator Rolfes, prime sponsor; Dave Ware, WDFW; Carey Morris, Humane Society of the United States.

CON: Jack Field, WA Cattlemen's Assn.

OTHER: Heather Hansen, Cattle Producers of WA.