
SUBSTITUTE HOUSE BILL 1838

State of Washington

64th Legislature

2015 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representative MacEwen)

READ FIRST TIME 02/18/15.

1 AN ACT Relating to the baiting of black bears; amending RCW
2 77.15.245; reenacting and amending RCW 77.36.010; adding a new
3 section to chapter 77.36 RCW; prescribing penalties; and declaring an
4 emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.36
7 RCW to read as follows:

8 (1) When necessary to avoid a wildlife interaction with black
9 bear, the department must issue a bait station permit to the owner of
10 real property that allows the owner of real property to kill black
11 bear with the aid of a bait station. The holder of a bait station
12 permit may kill black bear with the aid of the bait station only for
13 the purposes of avoiding a wildlife interaction with black bear.

14 (2) Each bait station permit must be issued to the owner at no
15 charge to the owner.

16 (3) A separate bait station permit is required for each
17 individual bait station.

18 (4) The bait station permit number must be attached to each bait
19 station so that the bait station permit number is visible.

1 (5) The department must provide in the permit the time that a
2 bait station may be established and the time by which a bait station
3 must be removed.

4 (6) A bait station authorized under this section must:

5 (a) Be established no earlier than the time provided by the
6 department in the permit;

7 (b) Be secured so as to be easily removable by the time provided
8 by the department in the permit; and

9 (c) Be a single metal or plastic barrel not larger than fifty-
10 five gallons, a wooden box, or made from natural materials found on
11 the site.

12 (7) The owner must notify the department of the location of each
13 bait station.

14 (8) A bait station authorized under this section must be removed
15 and the area returned as close to its natural condition as possible
16 by removing all bait containers, nonconsumed bait, and any material
17 used to conceal the owner's observation location. A bait station
18 authorized under this section must be removed no later than the time
19 provided by the department in the permit.

20 (9) Bait may include additives such as honey, molasses, jam,
21 jelly, or a similar substance and those additives may be placed in
22 and around the bait station. Additionally, any bait used to attract
23 black bear must:

24 (a) Consist of natural or commercially processed meats,
25 vegetables, fruits, or grains;

26 (b) Not contain any metal, plastic, paper, expanded polystyrene
27 foam, glass, or any other substance that may harm or injure an animal
28 feeding from the bait station;

29 (c) Be free of any commercial wrapper before being placed in the
30 bait container or the area around the bait container; and

31 (d) Not include any cooking oil or grease.

32 (10) A bait station illegally placed on private property may be
33 removed by the property owner and the director may revoke the permit
34 holder's bait station permit.

35 (11) Hunting with the aid of a bait station without a valid bait
36 station permit in the hunter's name or failing to comply with the
37 requirements of this section is a violation of RCW 77.15.245(1).

38 **Sec. 2.** RCW 77.36.010 and 2013 c 329 s 1 are each reenacted and
39 amended to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Claim" means an application to the department for
4 compensation under this chapter.

5 (2) "Commercial crop" means a horticultural or agricultural
6 product, including the growing or harvested product. For the purposes
7 of this chapter all parts of horticultural trees shall be considered
8 a commercial crop and shall be eligible for claims.

9 (3) "Compensation" means a cash payment, materials, or service.

10 (4) "Damage" means economic losses caused by wildlife
11 interactions.

12 (5) "Immediate family member" means spouse, state registered
13 domestic partner, brother, sister, grandparent, parent, child, or
14 grandchild.

15 (6) "Livestock" means cattle, sheep, and horses.

16 (7) "Owner" means a person who has a legal right to commercial
17 crops, livestock, or other property that was damaged during a
18 wildlife interaction.

19 (8) "Wildlife interaction" means the negative interaction and the
20 resultant damage between wildlife and commercial crops, livestock, or
21 other property.

22 (9) "Bait station" means a device, barrel, box, or other
23 container that meets the requirements of section 1 of this act and
24 that is intended to attract and kill black bear to avoid a wildlife
25 interaction.

26 **Sec. 3.** RCW 77.15.245 and 2005 c 107 s 1 are each amended to
27 read as follows:

28 (1) Notwithstanding the provisions of RCW 77.12.240(~~7~~
29 ~~77.36.020~~), or 77.36.030, or any other provisions of law, it is
30 unlawful to take, hunt, or attract black bear with the aid of bait.

31 (a) Nothing in this subsection shall be construed to prohibit the
32 killing of black bear with the aid of bait by an owner or tenant of
33 real property consistent with a permit issued and conditioned by the
34 director pursuant to section 1 of this act or by employees or agents
35 of county, state, or federal agencies while acting in their official
36 capacities for the purpose of protecting livestock, domestic animals,
37 private property, or the public safety.

1 (b) Nothing in this subsection shall be construed to prevent the
2 establishment and operation of feeding stations for black bear in
3 order to prevent damage to commercial timberland.

4 (c) Nothing in this subsection shall be construed to prohibit the
5 director from issuing a permit or memorandum of understanding to a
6 public agency, university, or scientific or educational institution
7 for the use of bait to attract black bear for scientific purposes.

8 (d) As used in this subsection, "bait" means a substance placed,
9 exposed, deposited, distributed, scattered, or otherwise used for the
10 purpose of attracting black bears to an area where one or more
11 persons hunt or intend to hunt them.

12 (2) Notwithstanding RCW 77.12.240(~~(, 77.36.020,)~~) or 77.36.030,
13 or any other provisions of law, it is unlawful to hunt or pursue
14 black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

15 (a) Nothing in this subsection shall be construed to prohibit the
16 killing of black bear, cougar, bobcat, or lynx with the aid of a dog
17 or dogs by employees or agents of county, state, or federal agencies
18 while acting in their official capacities for the purpose of
19 protecting livestock, domestic animals, private property, or the
20 public safety. A dog or dogs may be used by the owner or tenant of
21 real property consistent with a permit issued and conditioned by the
22 director.

23 (b) Nothing in this subsection shall be construed to prohibit the
24 director from issuing a permit or memorandum of understanding to a
25 public agency, university, or scientific or educational institution
26 for the use of a dog or dogs for the pursuit, capture and relocation,
27 of black bear, cougar, bobcat, or lynx for scientific purposes.

28 (c) Nothing in this subsection shall be construed to prohibit the
29 director from issuing a permit or memorandum of understanding to a
30 public agency, university, or scientific or educational institution
31 for the use of a dog or dogs for the killing of black bear, cougar,
32 or bobcat, for the protection of a state and/or federally listed
33 threatened or endangered species.

34 (3)(a) Notwithstanding subsection (2) of this section, the
35 commission shall authorize the use of dogs only in selected areas
36 within a game management unit to address a public safety need
37 presented by one or more cougar. This authority may only be exercised
38 after the commission has determined that no other practical
39 alternative to the use of dogs exists, and after the commission has
40 adopted rules describing the conditions in which dogs may be used.

1 Conditions that may warrant the use of dogs within a game management
2 unit include, but are not limited to, confirmed cougar/human safety
3 incidents, confirmed cougar/livestock and cougar/pet depredations,
4 and the number of cougar capture attempts and relocations.

5 (b) The department shall post on their internet web site the
6 known details of all reported cougar/human, cougar/pet, or cougar/
7 livestock interactions within ten days of receiving the report. The
8 posted material must include, but is not limited to, the location and
9 time of all reported sightings, and the known details of any cougar/
10 livestock incidents.

11 (4) A person who violates subsection (1) or (2) of this section
12 is guilty of a gross misdemeanor. In addition to appropriate criminal
13 penalties, the department shall revoke the hunting license of a
14 person who violates subsection (1) or (2) of this section and order
15 the suspension of wildlife hunting privileges for a period of five
16 years following the revocation. Following a subsequent violation of
17 subsection (1) or (2) of this section by the same person, a hunting
18 license shall not be issued to the person at any time.

19 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of
21 the state government and its existing public institutions, and takes
22 effect immediately.

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