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**HOUSE BILL 2752**

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**State of Washington 66th Legislature 2020 Regular Session**

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

AN ACT Relating to directing the department of fish and wildlife to review certain wildlife management plans; adding new sections to chapter 77.36 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the department of fish and wildlife has a duty to preserve, protect, perpetuate, and manage the wildlife of the state, including elk. The legislature also recognizes that United States treaties with sovereign nations are legally binding and that certain tribal hunting rights are reserved by treaties between several tribes and the United States government. Along with these hunting rights come responsibilities to manage wildlife for abundance and to maintain hunting opportunities for future generations. As such, the treaty tribes and the state partner in the management of hunted wildlife of the state of Washington.

(2) At the same time, the legislature recognizes that elk and humans can often come into conflict, requiring the state and treaty tribes to work together to balance agricultural, citizen safety, and city and county land value impacts with continued stewardship of elk. The legislature recognizes that the department of fish and wildlife has management plans for the ten elk herds in the state that contain goals and tools to manage elk. However, the management plans have not been successful in all cases, and the department of fish and wildlife and treaty tribes have not had the resources to fully implement the plans.

(3) Therefore, it is the intent of the legislature to fill an elk management toolbox, ensuring that the department of fish and wildlife has access to the appropriate tools and adequate funding to partner with treaty tribes to implement the existing elk herd management plans.

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

(1) The department of fish and wildlife shall review each of the ten current elk herd management plans and work with each applicable treaty tribe having off-reservation treaty hunting rights within an elk management area. Additionally, the department of fish and wildlife must work with applicable treaty tribes to complete elk herd management plans in areas where plans are incomplete.

(2) The department of fish and wildlife and treaty tribes shall identify the resources needed to fully implement the elk herd management plans.

(3) The department of fish and wildlife must develop a prioritized work plan for each elk herd management plan with the treaty tribes that identifies the most appropriate management tools to use and a process for budgeting and cost-sharing for the use of the management tools. The work plan may include any of the following management tools, as agreed to by the applicable comanagers:

(a) Providing opportunities for both tribal and nontribal youth to hunt elk as an elk management tool;

(b) Population monitoring through surveys;

(c) Fencing to discourage elk from entering cropland and crossing roadways;

(d) Collaborating with the department of transportation to test various means of reducing vehicle collisions with elk, including signage, lights, fencing, and scoping wildlife corridors;

(e) Discouraging intentional artificial feeding of elk;

(f) Collaborating with local landowners to increase and monitor year-round managed livestock hazing;

(g) Increasing forage for elk on public and private lands away from agricultural areas;

(h) Increasing the use of managed livestock grazing to attract elk away from agricultural lands, populated areas, and roads;

(i) Employing or contracting with wildlife conflict specialists to provide landowner assistance to address elk conflicts;

(j) Other reasonable tools to move elk off of agricultural lands, including:

(i) Noise deterrents;

(ii) Hay and fertilizer banks; and

(iii) As a last resort, lethal methods employed by the state and tribal comanagers or other duly authorized actors; and

(k) Any additional appropriate tools agreed to and funded by both state and tribal comanagers.

(4) Decisions on elk management must be made by Washington state and Washington treaty tribes as comanagers. However, Washington state and the Washington treaty tribes shall engage with local governments, landowners, hunting groups, and other relevant stakeholders, as the state and tribal comanagers deem appropriate.

(5) The department of fish and wildlife must report the results of the review and a summary of the prioritized work plan for each of the ten elk herd management plans to the legislature, in accordance with RCW 43.01.036, by December 1, 2020.

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

(1) With respect to wildlife management plans that address elk management, the commission shall consult with: (a) Tribal chairs who represent treaty tribes within the ceded areas under each tribal treaty; and (b) state legislators who represent legislative districts within the ceded areas under each tribal treaty.

(2) For the purposes of subsection (1) of this section, the commission shall hold two meetings per year with the appropriate tribal chairs and state legislators representing ceded areas under each treaty.

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