

SENATE BILL REPORT

SB 5193

As Reported by Senate Committee On:
Natural Resources & Parks, February 14, 2013
Ways & Means, February 28, 2013

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

Brief Description: Concerning large wild carnivore conflict management.

Sponsors: Senators Smith, Roach, Honeyford and Delvin; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources & Parks: 1/29/13, 2/14/13 [DPS-WM, DNP].
Ways & Means: 2/26/13, 2/28/13 [DP2S, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Smith, Vice Chair; Rolfes, Ranking Member; Hargrove, Hewitt and Parlette.

Minority Report: Do not pass.

Signed by Senator Kline.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5193 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Braun, Dammeier, Hatfield, Hewitt, Padden, Parlette, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senators Nelson, Assistant Ranking Member; Fraser, Hasegawa, Keiser, Kohl-Welles, Murray and Ranker.

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.

Staff: Sherry McNamara (786-7402)

Background: Role of the Department of Fish and Wildlife (DFW) Generally. DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must protect, perpetuate, and establish the basic rules and regulations governing the harvest of fish and wildlife.

Wildlife Damage Compensation. The Legislature has authorized DFW to manage a wildlife damage compensation program that compensates commercial crop owners for damage from elk and deer. The program also compensates commercial livestock owners for damage from cougars, wolves, and bears.

Specifically, a commercial livestock owner may receive compensation for cattle, sheep, and horses injured or killed by bears, wolves, or cougars. DFW may only pay claims:

- using amounts specifically appropriated for this purpose; and
- up to statutorily specified amounts per animal.

Under the livestock damage compensation program, commercial livestock include cattle, sheep, and horses held or raised by a person for sale.

Big Game Designation. There are 11 species of wildlife that are designated as big game. These species include most wild ungulates, cougars, and bears. There are specific penalties, responsibilities, and prohibitions that apply only to big game species. For instance, there are enhanced penalties for wildlife-related crimes that involve big game species.

Summary of Bill (Recommended Second Substitute): Establishes a Wildlife Account-Based Funding Mechanism for Livestock Damage Caused by Wolves. Authorizes DFW to pay not more than \$50,000 per year from the state Wildlife Account for claims and assessment costs for injury to or the loss of livestock caused by wolves. DFW may also accept and spend funds from other sources to address damage to livestock or other property, consistent with the requirements of that funding source.

Any unspent amounts of the \$50,000 at the end of the fiscal year are transferred to a the newly created Wolf-livestock Conflict Account. This account is non-appropriated and may be used for mitigation, assessment, and payments for livestock damage caused by wolves. DFW may also deposit grants, gifts, or donations into the account.

DFW must maintain a list of claims for livestock damage caused by wolves, organized chronologically based on the date of the wolf predation. DFW must pay claims in the order they appear on the list as funding becomes available through annual Wildlife Account funding or other sources. This includes authority and direction to pay claims for livestock damage that occurred in previous biennia.

Adds \$10 Fee to Existing Fish and Wildlife Related Special Plates. Ten dollars is added to each initial and renewal fee for the existing fish and wildlife related special plates:

- Endangered Species plates (funds activities to support endangered species);
- Washington Wildlife plates (funds activities to support game management); and
- Wild on Washington plates (supports watchable wildlife activities).

The added revenue from the additional \$10 is deposited to the State Wildlife Account and dedicated to funding wolf management activities and providing compensation for livestock damage caused by wolves.

Modifies Payment Eligibility. A livestock owner may receive compensation for damage to cattle, sheep, or horses regardless of whether they are involved in commercial agriculture or the animal is specifically raised for sale.

Additionally, the Fish and Wildlife Commission must adopt rules setting limits and conditions for expenditures on claims, assessments, and mitigating actions for livestock as well as crop and other property damage.

Big Game Designation. The gray wolf is added to the list of species that are considered to be big game. Statutes establishing penalties, responsibilities, and prohibitions exclusive to big game species apply to the gray wolf by reference to the new definition.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute):

- Instead of creating a new plate, adds \$10 to each initial and renewal fee for the existing fish and wildlife related special plates:
 - Endangered Species plates (funds activities to support endangered species);
 - Washington Wildlife plates (funds activities to support game management);
 - and
 - Wild on Washington plates (supports watchable wildlife activities).
 - With the additional \$10, these special plate fees would total \$50 for the initial and \$40 for a renewal.
- The added revenue from the additional \$10 fee is deposited to the State Wildlife Account and dedicated to funding wolf management activities and providing compensation for livestock damage caused by wolves.
- Allows DFW to compensate for damage other than commercial crop or livestock damage with nonstate funds, nonstate resources, or specific appropriations, and consistent with criteria adopted by the Fish and Wildlife Commission.
- Provides an intent section.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended First Substitute):

- Provides that the annual Wildlife Account funding for livestock damage is for damage caused by wolves, and allows unspent amounts at the end of a fiscal year to roll into a new dedicated account that can pay damage claims chronologically and across multiple biennia.
- Specifies that the special license plate revenues deposited in the Wildlife Account may be used for livestock damage funding in addition to DFW's non-lethal wolf management efforts.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Original Bill (Natural Resources & Parks):

PRO: The wolf plan should be implemented, including finding sustainable funding for wolf management and livestock damage compensation. While the funding is much needed, there are concerns that the \$50,000 is not enough to cover livestock losses that will occur from predation. The treatment of wolves as a big game species is appropriate as it will allow for increased opportunities for management.

CON: There are concerns that defining the wolf as a big game species will contribute to promotion of lethal removal and hunting.

OTHER: There is a need for non-lethal management education, community outreach, and coordination of implementation across multiple agencies. While the funding is much needed, there are concerns that the \$50,000 is not enough to cover livestock losses that will occur from predation. The funding from the special license plate should not be limited, as the wolf plan does call for lethal action in some circumstances. This is a serious issue that significantly impacts people.

Persons Testifying (Natural Resources & Parks): PRO: Dave Ware, DFW; Tyler Cox, Bill Sieverkropp, Jess Kayser, Pace Amidon, Brad Cameron, WA Cattlemen's Assn.; Wes McCart, Stevens County Commissioner; Sheilah Kennedy, Okanogan County Commissioner; Mike Manus, Pend Oreille County Commissioner; Brad Miller, Ferry County Commissioner; Tom Davis, WA Farm Bureau.

CON: Melinda Hirsch, Center for Biological Diversity; Bob McCoy, Jeff Hamm, citizens.

OTHER: Diane Gallegos, Wolf Haven International; Tom Davis, WA Farm Bureau.

Staff Summary of Public Testimony on Bill as Heard in Committee (Ways & Means):

PRO: This bill does not change the Wolf Management Plan as it currently exists. The Plan provides a transition from recovery to population management. This puts in place a mechanism that provides some confidence that as the transition occurs, DFW, local communities, and residents can feel confident and look forward to the future. The funding for wolf predation is a drop in the bucket given the market value of cattle today. There is a need to find sustainable funding for wolf management and livestock damage. The bill provides for landowner and livestock agreements that include fencing and range riding; there are 50-100 agreements in place.

Persons Testifying (Ways & Means): PRO: Senator Smith, prime sponsor; Jack Field, WA Cattleman's Assn.; Nate Pamplin, DFW.