
SENATE BILL 5300

State of Washington

63rd Legislature

2013 Regular Session

By Senators Ranker, Rolfes, Hargrove, and Frockt

Read first time 01/25/13. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to enhancing wolf management efforts through the
2 promotion of cooperative agreements; amending RCW 77.36.110, 77.12.037,
3 and 77.12.210; adding a new section to chapter 77.36 RCW; and adding a
4 new section to chapter 79.13 RCW.

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 RCW
7 to read as follows:

8 (1) The department shall develop and maintain a process to offer,
9 negotiate, and enter into cooperative agreements with livestock owners
10 to prevent or minimize damage to livestock caused by wolves.

11 (2) Cooperative agreements must include, at minimum:

12 (a) Nonlethal management efforts that, at the livestock owner's
13 discretion, must be taken by the owner or for which the department may
14 access property that the owner owns or has the legal right to access
15 for livestock management purposes. These may include:

16 (i) Sanitation-related actions, such as carcass removal;

17 (ii) The use of fencing or repellants such as flandry, wire, or
18 electric fencing;

1 (iii) Hazing-related activities, such as human presence or guard
2 dogs; and

3 (iv) Operational-related activities, such as protecting calving
4 areas or avoiding areas of high wolf activity;

5 (b) Provisions for livestock owners to share wolf-related
6 information with the department. This may include information
7 regarding management activities taken by the livestock owner under (a)
8 of this subsection as well as information regarding wolf activities and
9 livestock behavior; and

10 (c) Provisions for the department to provide information or
11 assistance to implement actions under (a) of this subsection. This may
12 include technical assistance, information regarding wolf activities in
13 the area, or, subject to the availability of amounts appropriated for
14 this specific purpose or other nonmonetary resources, cost-sharing
15 measures to assist the livestock owner's implementation of activities
16 under (a) of this subsection.

17 **Sec. 2.** RCW 77.36.110 and 2009 c 333 s 56 are each amended to read
18 as follows:

19 (1) No owner may receive compensation for wildlife interactions
20 under this chapter unless the owner has, as determined by the
21 department, first:

22 (a) Utilized applicable legal and practicable self-help preventive
23 measures available to prevent the damage, including the use of
24 nonlethal methods and department-provided materials and services when
25 available under RCW 77.36.100; (~~and~~)

26 (b) Exhausted all available compensation options available from
27 nonprofit organizations that provide compensation to private property
28 owners due to financial losses caused by wildlife interactions; and

29 (c) For owners of commercial livestock seeking compensation for
30 damage to commercial livestock caused by wolves, have a cooperative
31 agreement with the department under section 1 of this act in effect at
32 the time the damage occurred.

33 (2) In determining if the requirements of this section have been
34 satisfied, the department may recognize and consider the following:

35 (a) Property losses may occur without future or anticipated
36 knowledge of potential problems resulting in an owner being unable to
37 take preemptive measures.

1 (b) Normal agricultural practices, animal husbandry practices,
2 recognized standard management techniques, and other industry-
3 recognized management practices may represent adequate preventative
4 efforts.

5 (c) Under certain circumstances, as determined by the department,
6 wildlife may not logistically or practicably be managed by nonlethal
7 efforts.

8 (d) Not all available legal preventative efforts are cost-effective
9 for the owner to practicably employ.

10 (e) There are certain effective preventative control options not
11 available due to federal or state restrictions.

12 (f) Under certain circumstances, as determined by the department,
13 permitting public hunting may not be a practicable self-help method due
14 to the size and nature of the property, the property's setting, or the
15 ability of the landowner to accommodate public access.

16 (3) An owner is not eligible to receive compensation if the damages
17 are covered by insurance.

18 (4) The commission shall adopt rules implementing this section,
19 including requirements that owners document nonlethal preventive
20 efforts undertaken and all permits issued by the department under RCW
21 77.12.240 and 77.12.150.

22 **Sec. 3.** RCW 77.12.037 and 2000 c 107 s 4 are each amended to read
23 as follows:

24 (1) The commission may acquire by gift, easement, purchase, lease,
25 or condemnation lands, buildings, water rights, rights-of-way, or other
26 necessary property, and construct and maintain necessary facilities for
27 purposes consistent with this title. The commission may authorize the
28 director to acquire property under this section, but the power of
29 condemnation may only be exercised by the director when an
30 appropriation has been made by the legislature for the acquisition of
31 a specific property, except to clear title and acquire access
32 rights-of-way.

33 (2)(a) The commission may sell, lease, convey, or grant concessions
34 upon real or personal property under the control of the department.

35 (b) The commission may only enter into a lease, renew a lease, or
36 otherwise permit the use of department-managed real property within the
37 estimated range of a confirmed wolf pack for grazing or other

1 commercial livestock purposes where the livestock owner: (i) Has a
2 cooperative agreement with the department under section 1 of this act
3 covering that property in effect at the time of the transaction; and
4 (ii) as a condition of the lease or other authorization, agrees to
5 maintain such a cooperative agreement.

6 **Sec. 4.** RCW 77.12.210 and 2009 c 333 s 33 are each amended to read
7 as follows:

8 (1) The director shall maintain and manage real or personal
9 property owned, leased, or held by the department and shall control the
10 construction of buildings, structures, and improvements in or on the
11 property. The director may adopt rules for the operation and
12 maintenance of the property.

13 (2)(a) The commission may authorize the director to sell, lease,
14 convey, or grant concessions upon real or personal property under the
15 control of the department. This includes the authority to sell timber,
16 gravel, sand, and other materials or products from real property held
17 by the department, and to sell or lease the department's real or
18 personal property or grant concessions or rights-of-way for roads or
19 utilities in the property. Oil and gas resources owned by the state
20 which lie below lands owned, leased, or held by the department shall be
21 offered for lease by the commissioner of public lands pursuant to
22 chapter 79.14 RCW with the proceeds being deposited in the state
23 wildlife account created in RCW 77.12.170(~~(:—PROVIDED, That)~~). The
24 commissioner of public lands shall condition such leases at the request
25 of the department to protect wildlife and its habitat.

26 (b) The director may only enter into a lease, renew a lease, or
27 otherwise permit the use of department-managed real property within the
28 estimated range of a confirmed wolf pack for grazing or other
29 commercial livestock purposes where the livestock owner: (i) Has a
30 cooperative agreement with the department under section 1 of this act
31 covering that property in effect at the time of the transaction; and
32 (ii) as a condition of the lease or other authorization, agrees to
33 maintain such a cooperative agreement.

34 (3)(a) If the commission determines that real or personal property
35 held by the department cannot be used advantageously by the department,
36 the director may dispose of that property if it is in the public
37 interest.

1 (b) If the state acquired real property with use limited to
2 specific purposes, the director may negotiate terms for the return of
3 the property to the donor or grantor. Other real property shall be
4 sold to the highest bidder at public auction. After appraisal, notice
5 of the auction shall be published at least once a week for two
6 successive weeks in a newspaper of general circulation within the
7 county where the property is located at least twenty days prior to
8 sale.

9 (c) Proceeds from the sales shall be deposited in the state
10 wildlife account created in RCW 77.12.170.

11 NEW SECTION. **Sec. 5.** A new section is added to chapter 79.13 RCW
12 under the subheading "part 3 agricultural/grazing leases" to read as
13 follows:

14 The department may only enter into a lease, renew a lease, or
15 otherwise permit the use of department-managed real property within the
16 estimated range of a confirmed wolf pack, as determined by the
17 department of fish and wildlife, for grazing or other commercial
18 livestock purposes where the livestock owner: (1) Has a cooperative
19 agreement with the department under section 1 of this act covering that
20 property in effect at the time of the transaction; and (2) as a
21 condition of the lease or other authorization, agrees to maintain such
22 a cooperative agreement.

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