

HOUSE BILL REPORT

SHB 2424

As Amended by the Senate

Title: An act relating to updating cooperative agreements between the state and federally recognized tribes for the successful collaborative management of Washington's wildlife resources.

Brief Description: Updating cooperative agreements between the state and federally recognized tribes for the successful collaborative management of Washington's wildlife resources.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Lekanoff, Springer, Schmick, Dent and Chapman).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/26/24, 1/31/24 [DPS].

Floor Activity:

Passed House: 2/12/24, 94-3.

Senate Amended.

Passed Senate: 3/1/24, 49-0.

Brief Summary of Substitute Bill

- Requires the Department of Fish and Wildlife to engage with the Confederated Tribes of the Colville Reservation on a government-to-government basis to coordinate gray wolf management strategies in certain areas.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Lekanoff, Orcutt, Schmick and Springer.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Rebecca Lewis (786-7339).

Background:

Confederated Tribes of the Colville Reservation.

Indian Tribes in the United States hold both the right and authority to manage fish and wildlife on lands which were retained by Tribes or were set aside for Tribal use by treaties, statutes, judicial decisions, executive orders, or agreements. These lands are managed by Tribes in accordance with Tribal goals, objectives, and vision within the framework of federal laws.

The original Colville Indian Reservation was established by Presidential Executive Order on April 9, 1872. The reservation was subsequently divided into north and south halves and, in 1892, the Confederated Tribes of the Colville Reservation (Colville Tribes) ceded the North Half of the reservation to the United States while reserving rights to hunt and fish on those lands.

Department of Fish and Wildlife.

The Department of Fish and Wildlife (DFW) is tasked with managing the state's fish and wildlife resources. This responsibility includes establishing the time, place, manner, and methods by which to harvest or enjoy fish and wildlife.

Cooperative Management Agreement.

The DFW and the Colville Tribes entered into a cooperative agreement in 1998 that addresses a variety of fishery and wildlife management issues including wildlife protection and preservation on the current Colville Reservation and the North Half through a variety of strategies including joint and cooperative surveying and information sharing.

Gray Wolves.

Both the state and federal governments maintain designations for the gray wolf in Washington as endangered or protected. Federal law lists the gray wolf as an endangered species for the portion of the state located west of highways 97, 17, and 395 that run through Central Washington.

The State Fish and Wildlife Commission (Commission) has authority to classify endangered and threatened species in Washington by rule, and has classified the gray wolf as an endangered species statewide. A wildlife species may be removed from state listing when, based on the preponderance of scientific data available, its populations either: are no longer in danger of failing, declining, or are vulnerable due to certain factors including limited numbers, disease, predation, exploitation, or habitat loss or change; or meet target population objectives set out in a DFW-developed and Commission-adopted recovery plan.

The Commission adopted the Gray Wolf Conservation and Management Plan (Conservation and Management Plan) in December 2011, which identifies target population objectives,

management tools, reclassification criteria, an implementation plan, and a species monitoring plan. The Conservation and Management Plan identifies three wolf recovery regions: the Eastern Washington region; the North Cascades region; and the Southern Cascades and Northwest Coast region. The recovery objectives identified in the Conservation and Management Plan to allow the gray wolf to be removed from the state's endangered species list are based on target numbers and species distribution.

Summary of Substitute Bill:

The DFW must engage with the Colville Tribes on a government-to-government basis to update the 1998 cooperative management agreement with respect to gray wolf management on the area known as "North Half." Specifically, the DFW must coordinate its approach to gray wolf management on the North Half with the approach of the Colville Tribes within the boundaries of the Colville Reservation. The DFW must provide a report to the Legislature by June 30, 2025, that includes a plan to coordinate its approach to wolf management on the North Half with the approach of the Colville Tribes within the boundaries of the Colville Reservation.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment makes the following changes to the Substitute House Bill:

- modifies intent language to add further description of the 1998 Cooperative Fish and Wildlife Management Agreement (Agreement) and the government-to-government cooperative process, and removes qualitative statements regarding ungulate and wolf management in certain areas;
- requires the Fish and Wildlife Commission (Commission) to approve a plan of engagement before the Department of Fish and Wildlife (Department) engages with the confederated Tribes of the Colville Reservation on updates to the Agreement;
- requires the update of the Agreement to address the following topics:
 - recommended updates or modifications to the “Wildlife Protection and Preservation” section of the Agreement;
 - challenges to implementing the “Problem Wildlife” section of the Agreement and recommended protocols to provide solutions for landowners involving dangerous wildlife, wildlife depredation, or both; and
 - recommendations for management of gray wolf and other species listed under the State Endangered Species Act since adoption of the 1998 agreement as practiced by the Colville Tribes and the Department;
- requires the updates or modifications to the Agreement to be ratified by both the Colville Tribes and Commission; and
- maintains the requirement that the Department report updates or modifications to the Agreement to the Legislature.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Beginning with a few wolves coming over from Idaho, wolves have gradually been moving back into Washington and now there are enough to delist in the entire state. This shows that wolf recovery has been successful; however, they have not dispersed widely enough in the state to meet the Department of Fish and Wildlife's (DFW) metrics to delist the species in the entire state. Adjusting the state status depends on wolves dispersing into the Southern Cascades and Northwest Coast recovery region. The DFW's conservative estimate is that there are just over 200 individual wolves in the state; however, there are probably closer to 400.

When the North Half of the former Colville Indian Reservation, composed of portions of Okanogan and Ferry counties, went back to the federal government, the Confederated Tribes of the Colville Reservation (Colville Tribes) and state became comanagers of the land. Both the DFW and the Colville Tribes have noted that the cooperative management agreement has been underutilized. The Colville Tribes' wildlife program is impressive and innovative, having taken on reintroduction efforts for various species, conflict avoidance strategies, and lots of surveying and data collection, and is able to respond rapidly. As a sovereign nation, the Colville Tribes has some management tools that the state does not have.

The Colville Tribes looks forward to coordinating with the DFW on a government-to-government basis to update the cooperative management plan regarding wolf management. The best way to manage wildlife is for everyone to work together, communicate effectively and efficiently, and to strive for balance in the ecosystem. Not doing so can make things confusing. Wolves do not stay in one place and have a broad range. Individual wolves have been known to range from the Canadian border all the way to Coulee City, having to swim across the Columbia River. The Colville Tribes does not kill wolves without a reason and does not hunt wolves as a food source.

Wolf attacks have had a devastating impact on local ranching and dairy businesses. The owner of a guest ranch lost 17 out of 100 cattle ranging on a Forest Service grazing allotment, where only one could be confirmed by DFW as a wolf kill. The owner downsized their cattle operation to more easily monitor their cattle, but wolves have continued to harm animals. Nonlethal deterrence hasn't been working, and guests have cancelled their reservations due to wolf attacks close to the ranch. Eventually, wolves learn that nonlethal strategies are not a threat. Ranchers are more willing to ranch on or near tribal land because animals behave differently.

There was a policy adopted in 1997 that led to the 1998 cooperative agreement. It makes sense to update the agreement regarding wolf management. It is not possible to align the DFW's policies with the policies of the Colville Tribes because each entity has different management authorities. The DFW would support an amendment to change the word "align" to "coordinate."

There is a big difference between ungulate counts and wolf conflicts on the North Half and the South Half. Ungulate counts are strong and wolf conflicts are rare on the South Half, whereas ungulate counts are low and conflicts are high on the North Half. The Colville Tribes hasn't gotten caught up in the emotions of the wolf issue and has had so much success that it has shared 15 wolves with Colorado. The Colville Tribes does not have an open season on wolves.

Wolves are beautiful animals and should be a part of the landscape, but people should also be able to protect their lives and families. Cities in the region have wolves all around them, and without a management solution they will begin encroaching on residential areas. Relocating wolves to southern Washington would be helpful.

(Opposed) The success of the Colville Tribes' wolf management has not been proven and is a false argument. The Legislature shouldn't make a judgement like that without evidence. The Colville Tribes' policies and state policies are very different and should not be aligned. Wolves have not yet returned to the Southern Cascades and Northwest Coast region. The 20 percent growth rate is just an average. Last year, the population only grew by about 10 percent. The one pack detected recently in the southern Cascade Mountains does not exist anymore.

The Colville Tribes has done excellent work in wildlife recovery, including the successful efforts to recover lynx in the North Cascades. However, the policies of the Colville Tribes aren't always right for the whole state. The Colville Tribes has a right to no-limit hunting, and aligning policies could be catastrophic to wolf recovery if the policy allows non-tribal members to hunt wolves. If this bill passes, the DFW should coordinate rather than align wolf management, as the DFW suggested.

(Other) No one can argue with the wildlife management successes of the Colville Tribes. The success of the Colville Tribes comes from a deep connection with the land and contrasts with the more disconnected approach of the DFW.

Persons Testifying: (In support) Representative Joel Kretz, prime sponsor; Mel Tonasket, Confederated Tribes of the Colville Reservation; Tom McBride, Department of Fish and Wildlife; Kent Clark, Okanogan County Cattlemen's Association; Scott Nielsen, Cattle Producers of Washington; Jeff Flood, Stevens County Sheriffs Office; and Chris Branch and Andy Hover, Okanogan County.

(Opposed) David Linn; Claire Davis, Washington Wildlife First; and John Rosapepe,

Endangered Species Coalition.

(Other) Dave Hedrick.

Persons Signed In To Testify But Not Testifying: None.