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**SUBSTITUTE HOUSE BILL 1838**

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**State of Washington 64th Legislature 2015 Regular Session**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Not include any cooking oil or grease.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)(a) Notwithstanding subsection (2) of this section, the commission shall authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the commission has determined that no other practical alternative to the use of dogs exists, and after the commission has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

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

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

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

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