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**HOUSE BILL 1838**

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

**By** Representative MacEwen

AN ACT Relating to the baiting of black bears; amending RCW 77.15.245; adding a new section to chapter 77.32 RCW; and prescribing penalties.

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

**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,~~)) 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 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 prohibit a person from baiting black bear pursuant to a permit issued under section 2 of this act.

(c) 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)~~))(d) 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)~~))(e) 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,~~)) 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.**  A new section is added to chapter 77.32 RCW to read as follows:

(1)(a) The department may issue a bait station permit that allows the holder to use a black bear bait station during a spring damage control hunt in order to assist, consistent with a permit issued by the department, the owner or tenant of real property to protect livestock, domestic animals, private property, or public safety. The holder of a bait station permit may hunt only for black bear and may place, maintain, and hunt with the aid of the bait station.

(b) An applicant for a bait station permit must already hold:

(i) A valid big game hunting license issued under RCW 77.32.450 that includes black bear as a species option;

(ii) Any necessary transport tag required under this title; and

(iii) A special hunting season permit that allows the holder to hunt for black bear in a spring damage control hunt authorized by the department.

(c) A bait station permit may be purchased only from the department's Olympia office. The fee for a bait station permit is ten dollars.

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

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

(f) A bait station permit is valid fifteen days before the opening day of the spring damage control hunt and expires five days after the end of the spring damage control hunt.

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

(i) Be established no earlier than fifteen days before the opening day of the associated spring damage control hunt;

(ii) Not include any device, barrel, box, or other container holding bait attached to a tree, excluding a standing dead tree, fallen tree, or stump, in a way that damages or may cause damage to the tree during mounting, use, or removal of the device, barrel, box, or other container;

(iii) Be secured so as to be easily removable at the close of the spring damage control hunt or the conclusion of the hunt if a black bear is taken; and

(iv) 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.

(h) 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 hunter's observation location at the conclusion of the hunt if a black bear is taken or no later than five days after the close of the spring damage control hunt, whichever is earlier.

(i) 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:

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

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

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

(iv) Not include any cooking oil or grease.

(j) A bait station must be located:

(i) No closer than fifty yards from any natural body of water or natural running stream, creek, or river;

(ii) At least one hundred yards from any public or private traveled road, regardless of surface or use, and any established hiking, horseback riding, bicycle, or other off-road vehicle use trail; and

(iii) No closer than five hundred yards from any private residence or commercial structure.

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

(l) 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 in this section is a violation of RCW 77.15.245(1).

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Bait station" means a device, barrel, box, or other container that meets the requirements of subsection (1)(g) of this section and that is intended to attract black bear during a spring damage control hunt.

(b) "Spring damage control hunt" means a special hunting season authorized by the department for the purpose of controlling damage caused by black bear and that the department classifies as a spring special permit season.

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