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**HOUSE BILL 1849**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Lekanoff, Dent, Eslick, and Low

Read first time 03/24/23. Referred to Committee on Agriculture and Natural Resources.

1 AN ACT Relating to the establishment of a statewide elk  
2 management program; adding a new section to chapter 77.36 RCW; and  
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.36  
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this  
8 specific purpose, the department shall work with tribal comanagers to  
9 establish a statewide elk management program based on the elk  
10 management pilot project established in chapter 244, Laws of 2017.  
11 The purposes of the elk management program are to reduce elk-vehicle  
12 collisions on highways and elk damage to private crop lands and  
13 properties, and to improve and support the health of elk herds. The  
14 department and the comanagers must invite affected federally  
15 recognized Indian tribes, the department of natural resources, the  
16 department of transportation, the department of agriculture, local  
17 governments, agricultural producers, and hunting groups to  
18 participate in all aspects of the elk management program.

19 (2) The department must work with the department of  
20 transportation to reduce elk-vehicle collisions on highways,  
21 initially focusing on reducing traffic collisions along highways

1 within the range of the herds. The department and the department of  
2 transportation shall implement locally appropriate methods of keeping  
3 animals off roadways including, but not limited to, new fencing  
4 techniques, lights, signage, and other techniques. In addition, the  
5 departments shall scope wildlife corridors and safe crossing  
6 locations.

7 (3) The department must engage in direct wildlife management  
8 efforts in the elk management program implemented under this section,  
9 including the following actions:

10 (a) The use of special depredation hunts, general hunting  
11 opportunity, tribal hunting opportunities, and hunting opportunities  
12 for youth and persons with disabilities. Total hunting opportunities  
13 for any given elk herd under the elk management program must be set  
14 based on the carrying capacity of the land and water available to  
15 that herd and the health of the herd. These efforts must be designed  
16 and implemented in a manner that does not conflict with the primary  
17 goals of the current elk herd management plans for Washington's elk  
18 herds;

19 (b) The department must work to reduce artificial feeding of elk  
20 by persons other than the department. In no event may this effort  
21 affect a person who sets out feed with the intent to feed domestic  
22 animals or livestock, even though such feed may be inadvertently  
23 consumed by elk or other wildlife;

24 (c) The department shall, in conjunction with increased  
25 collaboration with local landowners, increase pressure on elk in  
26 agricultural areas through year-round deterrence, and shall monitor  
27 the effectiveness of the deterrence pressure;

28 (d)(i) The department shall establish one or more locally  
29 appropriate compensation programs for impacts to managed pasture and  
30 fencing in partnership with the department of agriculture. Any such  
31 compensation program must develop a tool that quantifies the impacts  
32 to managed pastures. Where appropriate, compensation programs may  
33 include, but need not be limited to, the use of a local hay and  
34 fertilizer bank.

35 (ii) For the purposes of this subsection (3)(d), "managed  
36 pasture" means pasture grown using common agricultural methods  
37 including one or more of the following: Seeding; planting;  
38 fertilizing; or irrigating;

39 (e) The department shall explore increasing forage for elk on  
40 public lands and private lands away from agricultural areas, as well

1 as the use of managed livestock grazing to attract elk away from  
2 roads, populated areas, and agricultural lands. The department must  
3 work with forestland owners to identify incentives for improved elk  
4 habitat;

5 (f) The department shall scope translocation of elk to more  
6 suitable habitat within the range of the herd, provided the  
7 department first determines that such a translocation does not pose a  
8 risk of disease transmission;

9 (g) The department shall employ a combined approach of all  
10 reasonable tools to move elk off agricultural and other lands  
11 including, but not limited to, fencing, noise deterrents, hay and  
12 fertilizer banks, and lethal methods; and

13 (h) The department shall identify locally appropriate locations  
14 for upland feeding, best access routes to uplands, and expected  
15 movement of elk, in order to minimize damage to agricultural land.

16 (4) The department must provide a status report to the  
17 appropriate committees of the legislature on the results of the elk  
18 management program by October 1, 2024, and by October 1st of every  
19 even-numbered year thereafter.

20 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of  
22 the state government and its existing public institutions, and takes  
23 effect immediately.

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